

# EDUCATIONAL ENDOWMENTS (IRELAND) COMMISSION.

48 & 49 Vic., Ch. 78.

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## ANNUAL REPORT

OF THE

## COMMISSIONERS,

FOR THE YEAR

1887-88,

TOGETHER WITH

ABSTRACT OF THE MINUTES OF THE COMMISSION,  
MINUTES OF EVIDENCE, AND APPENDICES.

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*Presented to both Houses of Parliament by Command of Her Majesty.*

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DUBLIN;

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# THIRD REPORT

OF THE

## EDUCATIONAL ENDOWMENTS (IRELAND) COMMISSION.

TO HIS EXCELLENCY CHARLES STEWART, MARQUESS OF  
LONDONDERRY,

LORE LIEUTENANT GENERAL AND GENERAL GOVERNOR OF IRELAND.

MAY IT PLEASE YOUR EXCELLENCY,

We, the Commissioners appointed under the Educational Endowments (Ireland) Act, 1885, have the honour to submit to your Excellency the following Report of our proceedings during the third year in which the Act has been in operation, that is, from October 1, 1887, to September 30, 1888.

The number of meetings which we have held during the year for the transaction of the business of the Commission has been as follows:

112 Meetings of the full Commission.  
36 Meetings of the Judicial Commissioners.  
43 Meetings of the Assistant Commissioners.

Total, 191 Meetings.

A Return of the attendances at these Meetings is annexed; *infra* p. xxi.

We have also individually taken part in the drafting of Schemes, and have attended at the Office of the Commission for the transaction of routine business. The annexed abstract of our minutes, *infra* pp. xxii.-cvii., contains a summary of our proceedings during the year.

### *Public Sitzings of the Commission.*

During the month of October, 1887, we visited the most important schools in Munster. On that occasion we held the following public sittings, at which we took evidence respecting the amount and character of the endowments, the efficiency of the schools, and the state of education in each locality:—

LIMERICK.—At the Court House, Monday and Tuesday, October 10 and 11, 1887.

Margret Agricultural School, Limerick.  
Leamy's Free School, Limerick.  
Christian Brothers' Schools, Limerick.  
Mount St. Vincent Convent School, Limerick.  
Cathedral Grammar School, or Blue School, Limerick.  
St. John's Parochial School, Limerick.  
St. Michael's Parochial School, Limerick.  
Dr. Hall's Charity, Limerick.  
Villiers' Charitable Institutions, Limerick.  
Diocesan School, Rextborough-road, Limerick.  
Sacred Heart College, Limerick.  
Memorial of certain Protestant inhabitants of Kerry.

ENNIS.—At the Court House, Wednesday, October 12.

Killaloe Diocesan College, Ennis.  
Bramson Smith's Grammar School, Ennis.  
Christian Brothers' Schools, Ennis.

**TIPPERARY.**—At the Grammar School, Thursday, October 13, 1887.

Erasmus Smith's Grammar School, Tipperary.  
Erasmus Smith's English School, Tipperary.

**CASHEL.**—At the Court House, Thursday, October 13.

Cashel Corporation National Schools.  
St. John's Parochial School, Cashel.

**CORK.**—At the Court House, Friday, Saturday, and Monday, October 14, 15, and 17.

Christian Brothers' Schools, Cork.  
St. Vincent's Orphanage, Cork.  
Presentation Brothers' Schools, Cork.  
St. Finn Barr's Seminary, Cork.  
St. Stephen's Blue Coat School, Cork.  
St. Anne's, Shandon, Green Coat Hospital, Cork.  
St. Mary's, Shandon, Parochial School, Cork.  
St. Peter's National School and Moses Deane's Endowment, Cork.  
St. Nicolas' Parochial and Industrial Schools, Cork.  
St. Finn Barr's Parochial School, Cork.  
St. Luke's Schools, Cork.  
Cork School of Science, Art, and Music.  
Munster Dairy School and Agricultural Institute, Cork.  
High School for Girls, Sidney-place, Cork.  
Rochelle Governesses' Seminary, Cork.  
Cork Grammar School.  
Lapp's Charity, Cork.  
Bretrbridge's Charity, Cork.  
Cove National Endowed Boys' School.  
Crofton's School, Glendrohid, Macroom.  
Glounthame Parochial School, Co. Cork.  
Rahan Parochial School, Mallow.  
Endowed School, Charleville.  
Christian Brothers' Schools, Charleville.  
National Schools, Charleville.

**BANDON.**—At the Court House, Tuesday, October 18.

Bandon Endowed School.  
Erasmus Smith's School, Bandon.  
Watergate-place National Schools, Bandon.  
Ballymedha National Schools, Bandon.  
Girls' Industrial School, Bandon.  
Carrawahane School, Bandon.

**KINSALE.**—At the Town Hall, Wednesday, October 19.

Kinsale Endowed School.  
Carmelite College, Kinsale.  
St. Joseph's Convent School (Mrs. Burke's Endowment).

**SKIBBEREEN.**—At the Schools, Thursday, October 20.

National School, Skibberreen.  
Intermediate School, Skibberreen.

**BALTIMORE.**—At the Baltimore Fishery School, Thursday, October 20.

Baltimore Fishery School.  
Tullagh Parochial School.

**MIDLETON.**—At the College, Thursday, October 20.

Middleton College.

**CLOYNE.**—At the Endowed School, Friday, October 21.

Bishop Crowe's Endowed School, Cloyne.  
Aghada National School (Roche's Endowment).

**YONGHAL.**—At the Town Hall, Saturday, October 22.

Yonghal Endowed School.  
Christian Brothers' Schools, Yonghal.  
Convent National School, Yonghal.

**FERRY.—**At the Court House, Monday, October 24, 1887.

St. Colman's College, Ferry.  
 Adair National Schools, Ferry.  
 Ahern and Britway Parochial Schools, Co. Cork.  
 Ferry College.

**LIMMOR.—**At the Court House, Monday, October 24.

Limore Endowed School.

**CLOMEL.—**At the Court House, Wednesday, October 26.

Clonmel Endowed Grammar School.  
 Clonmel Incorporated Society's School.  
 St. Mary's Parochial Schools, Clonmel.  
 Clonmel Charitable School.  
 Rockwell College, Cahin.  
 Christian Brothers' Schools, Clonmel.

**WATERFORD.—**At the Court House, Thursday and Friday, October 27 and 28.

Bishop Foy's Charity, Waterford.  
 Christian Brothers' Schools, Waterford.  
 Mason Charity Blue School, Waterford.  
 Waterford Diocesan School.  
 Friends' Provincial School, Newtown, Waterford.  
 School of Industry, Lady Lane, Waterford.  
 St. John's College, Waterford.  
 Protestant Orphan School, Waterford.  
 Alcock's Apprenticeship Endowment, Waterford.  
 Corporation Free Grammar School, Waterford.

**KILKENNY.—**At the Court House, Saturday, October 29.

Kilkenny College.  
 Poocke School, Kilkenny.  
 Subscription Schools, Kilkenny.  
 Chapel Lane School, Kilkenny.  
 St. Kieran's College, Kilkenny.  
 Thomastown Parochial School.

Subsequently, during the course of the year, we held the following public sittings to consider objections to draft Schemes already published, or to obtain information respecting endowments for which draft Schemes were under consideration :—

At the Office of the Commission, Tuesday, October 4, 1887.

No. 12. Hibernian Marine Society.  
 No. 14. Claremont Institution for the Deaf and Dumb.  
 No. 18. Merchant Tailors' School.

At the Nicholson Memorial School, Lishurn, Tuesday, November 1.

No. 21. Nicholson Memorial School, Lishurn.

At the Office of the Commission, Saturday, November 26.

No. 38. Royal Irish Academy of Music, and the Conlon Endowment.

At the Office of the Commission, Monday and Tuesday, January 9 and 10, 1888.

No. 8. Ulster Society, Belfast.  
 No. 16. Royal Belfast Academical Institution.  
 No. 18. Merchant Tailors' School, Dublin.  
 No. 21. Nicholson Memorial School, Lishurn.  
 No. 22. Ladies' Industrial School, Belfast.  
 No. 23. Magee Presbyterian College, Londonderry.  
 No. 26. Dublin Working Boys' Home and Harding Endowment.  
 No. 27. Bertrand Female Orphan School, Dublin.  
 No. 28. Belfast Royal Academy.  
 No. 29. Philbrook Sunday and Daily Schools, Dublin.  
 No. 30. Tullyvin and Benbawn Schools, Co. Cavan.  
 No. 31. Mount School, Lisnaskea.  
 No. 32. St. Peter's Schools and Mrs. Wray's School, Dublin.  
 No. 34. Laurel Hill School, Coleraine.  
 No. 3. Morgan's and Mercer's Schools, Dublin (remitted Scheme).

At the Office of the Commission, Saturday, March 3, 1888.

Rathmines Township Schools, Co. Dublin (Conference).

At the Ranelagh Institution, Athlone, Monday, March 26.

Ranelagh Institution, Athlone.  
St. Mary's Parochial School, Athlone (Erasmus Smith's).  
Marist Fathers' School, Athlone.  
Memorial of Roman Catholic Inhabitants of Athlone.

At the Santry School, Tuesday, March 27.

Santry School, Co. Dublin (Inspection).

At the Court House, Londonderry, Saturday, May 19.

No. 24. Gwyn and Young Endowments.

At the School, Oldcastle, Thursday, June 21.

Oldcastle Endowed School.

At the School, Kells, Thursday, June 21.

Dempsey's School, Kells.

At the Court House, Navan, Friday, June 22.

Navan Endowed School.  
St. Finian's Seminary, Navan.  
Flower Hill School, Navan.

At the School, Ballyroan, Saturday, July 28.

Ballyroan Endowed School.

At the Four Courts, Dublin, Thursday, Friday, and Saturday, August 2, 3, and 4, and Tuesday August 7.

No. 24. The Royal School Endowments and other Educational Endowments administered by the Commissioners of Education in Ireland.

At the Office of the Commission, Thursday, August 9.

No. 20. Royal Irish Academy of Music and Oulson Endowment.

The following is a list of Endowments appearing to come within the jurisdiction of the Commission with respect to which we held preliminary inquiries before September 30, 1888, but for which we have not yet published draft Schemes. In some of these cases draft Schemes are in preparation; in others the expediency of publishing Schemes is under consideration, or further inquiries are in progress.

The Diocesan Schools, and Schools of private foundation under the control of the Commissioners of Education.

The Endowments under the management of The Incorporated Society for promoting English Protestant Schools in Ireland.

The Schools founded by Erasmus Smith.

The Ralph Maclia Schools, Dublin.

Love's Charity, and Gardiner's Charity, Dublin.

The Drummond Institution, Chapelizod.

St. Andrew's Protestant Parochial Schools, Dublin.

St. Ann's Protestant Parochial Schools, Dublin.

St. Bridget's Protestant Parochial Schools, Dublin.

St. George's Protestant Parochial Schools, Dublin.

St. James's Protestant Parochial Schools, Dublin.

St. Mary's Protestant Parochial Schools, Dublin.

St. Michael's Protestant Parochial Schools, Dublin.

St. Paul's Protestant Parochial Schools, Dublin.

The Protestant Parochial Schools of St. Nicholas without and St. Luke.

The Protestant Parochial Schools of St. Andrew, St. Nicholas within, St. Michael, St. John and St. Werburgh.

Anne Hall's Bequest, Co. Fermanagh.

Foyls College, Londonderry.

The Strabane Academy.

Blue School, Drogheda.

Endowed School, Dundalk.

Grammar School, Dundalk.

Mary's Abbey Schools, Dublin; under consideration on claim for exemption.

Queen's Institute, Dublin.

Infant School, Trinity-place, Dublin.

Unitarian Schools, St. Stephen's-green, Dublin, and Apprentice Fund.

Drogheda Grammar School.

Ardee Endowed School.

English School, Ballyvaughan, formerly Erasmus Smith's.

Mungret Agricultural School, Limerick.

Leamy's Free School, Limerick.

Cathedral Grammar School or Blue School, Limerick.

St. John's Parochial School, Limerick.

St. Michael's Parochial School, Limerick.

Diocesan School, Limerick.

Cashel Corporation National Schools.

St. John's Parochial School, Cashel.

St. Stephen's Blue Coat School, Cork.

Cork School of Science, Art, and Music.

Monaster Dairy School and Agricultural Institute.

Lapp's Charity, Cork.

Cove National Endowed Boys' School, Cork.  
 Crofton's School, Clonsilla, Meath.  
 Glenthane Parochial School, Co. Cork.  
 Rahen Parochial School, Malton.  
 Endowed School, Charleville.  
 Tullagh Parochial School, Baltimore.  
 Endowed School, Bandon.  
 Erasmus Smith's School, Bandon.  
 Girls' Industrial School, Bandon.  
 Curraneahane School, Bandon.  
 Endowed School, Kinsale.  
 Bishop Crowe's Endowed School, Cloyne.  
 Aghada National School, county Cork.  
 Endowed School, Youghal.  
 Endowed School, Navan.  
 Endowed School, Ballyvaughan.

Flower Hill School, Navan.  
 Adair National Schools, Ferny.  
 Ahern and Britway Parochial Schools, Co. Cork.  
 Ferny College.  
 Endowed School, Lisburn.  
 Charitable School, Clonmel.  
 Mason Charity Blue School, Waterford.  
 Corporation Free Grammar School, Waterford.  
 School of Industry, Lady Lane, Waterford.  
 Alcock's Apprenticeship Endowment, Waterford.  
 Protestant Orphan School, Waterford.  
 Subscription Schools, Kilkenny.  
 Rathmines Township Schools, Co. Dublin.  
 St. Mary's Parochial School, Athlone.  
 Oldcastle Endowed School.  
 Dempsey's Schools, Kells.

We have taken evidence with respect to many endowments to which we found, on investigation, that the Act did not apply unless with the written consent, in each case, of the Governing Body. In some cases this consent has been given, and we have prepared Schemes accordingly. In other cases, the necessary consent has not been obtained. A list of each class is here appended.

#### Class A.—Written consent given:—

- No. 6. Ormsud-quay Presbyterian Church Endowments, Dublin.  
 No. 9. { St. Patrick's Cathedral Schools, Dublin.  
           { The Neary Mahon Bequest.  
 No. 16. Methodist College, Belfast.  
 No. 21. Nicholson Memorial School, Lisburn.  
 No. 33. Magee Presbyterian College, Londonderry.  
 No. 36. The Harding Endowment, Dublin.  
 No. 38. Baltimore Fishery School, Cork.  
 No. 41. The Church of Ireland Victoria Jubilee Fund.  
 No. 47. Brethridge's Charity, Cork.

#### Class B.—Written consent not given:—

- Wesley College, Dublin.  
 Singleton School, Smaugill, Dublin.  
 Pleasant's Asylum, Dublin.  
 Finglas Protestant Parochial School.  
 Female Orphan House, North Circular-road, Dublin.  
 Bethesda Female Orphan School, Dublin.  
 Castlemock Protestant Parochial Schools.  
 St. Saviour's Orphanage, Denmark-street, Dublin.  
 St. Catherine's National Schools, Meath-street, Dublin.  
 St. Michael's National Schools, North Anne-street, Dublin.  
 St. Catherine's Protestant Parochial Schools, Thomas'-court, Dublin.  
 St. Thomas's Protestant Parochial Schools, Gloucester-street, Dublin.  
 Christian Brothers' Schools, Basin-lane, Dublin.  
 St. James' National School, Basin-lane, Dublin.  
 St. Brigid's Catholic Ragged School, Park-street, west, Dublin.  
 SS. Michael and John's National Schools, Essex-street, Dublin.  
 St. Thomas' Orphanage, Gloucester-street, Dublin.  
 Girls' Almshouses, Great Britain-street, Dublin.  
 St. Mark's Protestant Parochial Schools, Dublin.  
 St. Patrick's Diocesan College, Cavan.  
 St. Maurin's Seminary, Monaghan.  
 Christian Brothers' Schools, Cavan.  
 Vaughan Charter School, Tullrid.  
 St. Columba's Diocesan College, Londonderry.  
 St. Malachy's College, Belfast.  
 Friends' Provincial School, Lisburn.  
 Friends' Agricultural School, Brookfield.  
 St. Patrick's Diocesan College, Armagh.  
 Jackson's Schools, Forkhill.  
 Christian Brothers' Schools, Dundalk.  
 Mariet Fathers' Schools, Luncfild.  
 Christian Brothers' Schools, Limerick.  
 Mount St. Vincent Convent School, Limerick.  
 St. John's Parochial School, Limerick.  
 Roxborough Road School, Limerick.  
 Sacred Heart College, Limerick.  
 Killybeg Diocesan College, Ennis.  
 Christian Brothers' Schools, Ennis.  
 Christian Brothers' Schools, Cork.  
 St. Vincent's Orphanage, Cork.  
 Presentation Brothers' School, Cork.  
 St. Finn Bar's Seminary, Cork.  
 St. Stephen's Blue Coat School, Cork.  
 Christian Brothers' Schools, Charleville.  
 Watergate-place National School, Bandon.  
 St. Joseph's Convent School, Kinsale.  
 Carmelite Seminary, Kinsale.  
 St. Columba's College, Ferny.  
 Christian Brothers' Schools, Youghal.  
 Convent National School, Youghal.  
 Rockwell College, Cash.  
 Christian Brothers' Schools, Clonmel.  
 St. Francis Academy, Clonmel.  
 Bishop Foy's Charity, Waterford.  
 Waterford Diocesan School.  
 Christian Brothers' Schools, Waterford.  
 Friends' Provincial School, Newtown, Waterford.  
 Alcock's Apprenticeship Endowment, Waterford.  
 St. John's College, Waterford.  
 Chapel Lane School, Kilkenny.  
 St. Kiernan's College, Kilkenny.  
 Mariet Fathers' School, Athlone.  
 St. Finian's Seminary, Navan.

*Publication of Draft Schemes*

On our return to Dublin from Munster at the close of October, 1887, we resumed the preparation of draft Schemes, and we have since continued this work. The following Tables contain a list of the draft Schemes already completed and published as prescribed by the Act, section 21, with the dates of the several stages through which they have passed, the value of the endowments dealt with, and the estimated amount to be annually administered under each Scheme:—

TABLE L.—DRAFT SCHEMES already published, and stages through which each Scheme has passed:—

Number of Schemes.	Endowment.			Draft Schemes published.	Schemes signed by Judicial Commissioners.	Schemes first published by the Lord Lieutenant in Council.	Schemes provisionally approved by Lord Lieutenant in Council.	Schemes finally approved by Lord Lieutenant in Council.
	County.	Locality.	Name.					
1	Dublin.	Swords.	Swords Borough Schools. . . . .	1885. June 15.	1885. Sept. 30.	1885. Oct. 5.	1887. Revised, March 11.	—
"	"	"	Swords Borough Schools (Amended Scheme). .	—	1887. May 31.	1887. May 31.	Aug. 10.	Oct. 17.
2	"	Dublin.	Church of Ireland Training College and Education-plans Society.	June 12.	Sept. 30.	Oct. 5.	April 4.	June 11.
3	"	Castlemock.	Margan's and Mercer's Schools. . . . .	June 25.	Sept. 30.	Oct. 5.	1888. Revised, Jan. 3.	—
4	"	Dublin.	Methodist Female Orphan School.	Aug. 21.	Nov. 15.	Nov. 31.	March 9.	June 11.
5	"	Bahary and Co. Dock.	Rahway and Ocklock Parochial Schools. .	Aug. 21.	Dec. 15.	Dec. 22.	May 6.	Aug. 15.
6	"	Dublin.	Ormond-quay Presbyterian Church Endowment.	Dec. 15.	May 14.	May 15.	July 30.	Oct. 5.
7	Aston.	Belfast.	Shakespeare street Schools. . . . .	Dec. 15.	May 14.	May 15.	August 11.	Oct. 11.
8	"	"	Ulster Society for the Education of the Deaf and Dumb, and the Blind.	Dec. 15.	May 14.	May 15.	Revised, Oct. 7.	—
"	"	"	Ulster Society (Amended Scheme). . . . .	—	Feb. 5.	Feb. 11.	Revised, May 20.	—
"	"	"	Ulster Society (Further Amended Scheme). .	—	July 23.	July 25.	Oct. 12.	—
9	Dublin.	Dublin.	St. Patrick's Cathedral Schools. . . . .	Dec. 15.	May 14.	May 15.	July 30.	Oct. 5.
10	"	"	Alxander College and Alxander School. .	Dec. 15.	May 14.	May 15.	July 30.	Oct. 5.
11	Aston.	Belfast.	Curry School. . . . .	1887. June 15.	Oct. 25.	Nov. 5.	Mar. 6.	May 18.
12	Dublin.	Dublin.	Ulster Bank Marine Society. . . . .	June 25.	Oct. 25.	Nov. 5.	Mar. 6.	May 18.
13	Armagh.	Lurgan.	Water's Redoubt School. . . . .	June 25.	Oct. 25.	Nov. 5.	Mar. 6.	May 18.
14	Dublin.	Clarendon.	National Association for Promoting the Education of the Deaf and Dumb.	June 25.	Oct. 25.	Nov. 5.	Mar. 6.	May 18.
15	Aston.	Belfast.	Royal Belfast Academical Institution.	June 25.	Feb. 5.	Feb. 11.	Revised, May 20.	—
"	"	"	Royal Belfast Academical Institution (Amended Scheme).	—	July 25.	July 25.	Oct. 12.	—
16	"	"	Wickham College. . . . .	June 25.	Oct. 25.	Nov. 5.	Mar. 6.	May 18.
17	Down.	Lisferry.	Prior School, Nassau School, and Westbrook School.	June 25.	Oct. 25.	Nov. 5.	Mar. 6.	May 18.
18	Dublin.	Dublin.	Merchant Tailors' School. . . . .	June 25.	Feb. 5.	Feb. 11.	April 18.	July 4.
19	Monaghan.	Monaghan.	Collegiate School. . . . .	June 25.	Oct. 25.	Nov. 5.	Mar. 6.	May 18.
20	Londonderry.	Coleraine.	Academical Institution. . . . .	June 25.	Oct. 25.	Nov. 5.	Mar. 6.	May 18.

TABLE I.—DRAFT SCHEMES already published and stages through which each Scheme has passed—continued.

Number of Schemes.	Endowment.			Draft Scheme first published.	Scheme signed by Judicial Commissioners.	Scheme first published by the Lord Lieutenant in Council.	Scheme previously approved by Lord Lieutenant in Council.	Scheme finally approved by Lord Lieutenant in Council.
	County.	Localty.	Name.					
22	Ards	Larne	Nikolov Endowment	1885. June 24.	1885. Feb. 2.	1885. Feb. 11.	1885. Remitted, Aug. 4.	1885. —
"	"	"	Nikolov Endowment (Amended Scheme).	—	Aug. 2.	Aug. 14.	—	—
23	"	Belfast	Lodges' Industrial School.	June 20.	Feb. 2.	Feb. 11.	April 12.	July 2.
24	Londonderry	Londonderry	Magie College.	June 20.	Feb. 2.	Feb. 11.	April 12.	July 2.
24	"	"	Gwyn's Charitable Institution and Young Endowment.	June 20.	—	—	—	—
25	Londonderry	Londonderry	Cragga School.	June 20.	1887. Oct. 29.	1887. Nov. 2.	Mar. 2.	May 18.
26	Dublin	Dublin	Dublin Working Boys' Home and Housing Endowment.	Aug. 2.	1888. Feb. 2.	1888. Feb. 11.	April 12.	July 2.
27	"	"	Birchand Female Orphan School.	Aug. 2.	—	—	—	—
28	Ards	Belfast	Belfast Royal Academy.	Aug. 2.	Feb. 2.	Feb. 11.	Remitted, May 22.	—
"	"	"	Belfast Royal Academy (Amended Scheme).	—	July 2.	July 25.	Oct. 12.	—
29	Dublin	Dublin	Patrickswell Sunday and Daily Schools.	Aug. 2.	—	—	—	—
30	Down	Tillymore and Bannockburn	Tillymore and Bannockburn Schools.	Aug. 2.	Feb. 2.	Feb. 11.	April 12.	July 2.
31	Fermanagh	Enniskillen	Enniskillen School.	Aug. 2.	Feb. 2.	Feb. 11.	April 12.	July 2.
32	Dublin	Dublin	St. Peter's School and Mrs. Wray's School.	Aug. 2.	Feb. 2.	Feb. 11.	April 12.	July 2.
33	Londonderry	Coleraine	Laurel Hill School.	Aug. 2.	Feb. 2.	Feb. 11.	April 12.	July 2.
34	Armagh	Armagh	Royal School.	1888. April 25.	—	—	—	—
	Tyrone	Donaghadee	Royal School.					
	Fermanagh	Enniskillen	Royal School.					
	Down	Down	Royal School.					
	Down	Down	Royal School.					
	King's	Downpatrick	Royal School.					
35	Down	Down	The Robertson Endowment.	June 4.	—	—	—	—
36	Armagh	Lurgan	Queen-street National School.	June 4.	—	—	—	—
37	Cork	Cork	High School for Girls.	June 4.	—	—	—	—
38	Cork	Baltimore	The Baltimore Primary School.	June 4.	—	—	—	—
39	Dublin	Dublin	The Royal Irish Academy of Music and the Gresham Endowment.	June 4.	—	—	—	—
40	Londonderry	Londonderry	Londonderry Academic Institution.	June 4.	—	—	—	—
41	"	"	The Church of Ireland Victoria Jubilee Fund.	July 2.	—	—	—	—
42	Limerick	Limerick	The Villiers' Charitable Institution.	July 2.	—	—	—	—
43	Ards	Ballymore	Gwyn's Free School.	July 2.	—	—	—	—
44	"	"	Ballymore Collegiate School.	July 2.	—	—	—	—
45	Tipperary	Clonmel	Clonmel Endowment School.	July 2.	—	—	—	—
46	Kilkenny	Kilkenny	Kilkenny College.	Aug. 12.	—	—	—	—
47	Cork	Cork	Cork Parochial Schools, Green Coat Hospital, Grammar School, and Breckinridge's Charity.	Aug. 12.	—	—	—	—
48	Londonderry	Naglesfield	Sally's School.	Aug. 12.	—	—	—	—
49	Kilkenny	Thamesmore	Thamesmore School.	Aug. 12.	—	—	—	—
50	Armagh	Armagh	The Downpatrick Mill and Oriel-street School and "Friends of the Poor's" Fund.	Aug. 12.	—	—	—	—
51	Down	Highwood	The Sullivan School.	Aug. 12.	—	—	—	—
52	Cork	Cork	The Rochelle Seminary.	Aug. 12.	—	—	—	—

TABLE II.—ENDOWMENTS of the several Institutions for which Draft Schemes have been published, with the estimated income of these Institutions from fees, subscriptions, and other sources.

No. of Scheme.	Endowment.			Valuation of School Buildings and Premises.	Annual Income of Endowment.		Estimated Annual Income from Fees, Subscriptions and other Sources.	Total Annual Amount to be administered under Scheme.
	County.	Localty.	Name.		From Houses and Lands.	From Trust Funds.		
1	Dublin.	Swords.	Swords Old Borough School.	£ s. d. 10 0 0	—	723 00 0	—	£244 7 4
			Swords New Borough School.	18 0 0	—	—	£77 11 4	
2	"	Dublin.	Church or Island Training College.	170 0 0	—	73 00 0	£,000 0 0	£,747 10 0
3	"	Castlemock.	Morgan's School.	80 0 0	716 8 7	0 1 0	—	£,712 10 11
4	"	"	Morgan's School.	29 0 0	770 0 0	25 4 0	117 5 0	£,572 10 11
5	"	Dublin.	Methodist Female Orphan School.	80 0 0	—	111 10 0	116 10 0	£,207 0 0
6	"	Raheny.	Raheny Parochial School.	14 0 0	—	—	—	£7 4 7
7	"	Coolock.	Coolock Parochial School.	18 4 7	—	0 0 0	—	£18 4 7
8	"	Dublin.	Omniscient Protestant Church Endowment.	80 0 0	350 4 0	116 8 0	74 10 4	£,540 8 0
9	Armagh.	Belfast.	Belfast Protestant School.	10 0 0	100 0 0	—	£10 0 4	£,110 0 4
10	"	"	Ulster Society for the Education of the Deaf and Dumb, and the Blind.	400 0 0	—	£,010 0 1	£,272 10 1	£,682 0 1
			St. Patrick's Catholic Clerical School.	10 0 0	—	—	£36 0 0	
11	Dublin.	Dublin.	St. Patrick's Donnybrook School.	15 0 0	—	—	—	£15 0 0
			Kelvin's Endowed School.	80 0 0	70 8 0	—	—	£150 8 0
			Kerry Mahon Endowment.	—	30 0 0	—	—	£30 0 0
12	"	"	Alexander College.	300 0 0	150 0 0	—	£,448 14 12	£,698 0 0
			Alexander School.	—	—	—	£,208 10 7	
13	Antrim.	Belfast.	Carr's School.	32 0 0	10 0 0	21 10 0	£61 7 7	£,033 7 7
14	Dublin.	Dublin.	Hibernian Marine Society.	700 0 0	£10 12 11	£60 10 0	£3 10 0	£,773 0 1
15	Armagh.	Larne.	Watt's Endowed School.	80 0 0	—	£21 0 0	£50 0 0	£,051 0 0
16	Dublin.	Clonsilla.	National Association for the Education of the Deaf and Dumb.	£64 0 0	£80 0 0	£24 0 0	£66 0 0	£,134 0 0
17	Antrim.	Belfast.	Royal Belfast Academical Institution.	£60 0 0	£11 0 0	£20 10 0	£70 10 0	£,061 10 0
18	"	"	McGill College.	£500 0 0	£18 10 0	£60 0 0	£,440 11 0	£,518 10 0
			Peter School.	81 0 0	—	£81 10 10	£10 10 0	£,072 10 10
19	Down.	Lisferry.	Harmer School.	17 0 0	10 0 0	00 0 0	0 0 0	£27 0 0
			Blackrock School.	8 10 0	—	17 10 0	0 14 0	£25 10 0
20	Dublin.	Dublin.	Marshall's School.	70 0 0	£20 0 0	£10 0 0	—	£100 0 0
21	Monaghan.	Monaghan.	Collegiate School.	80 0 0	—	—	£60 0 0	£140 0 0
22	Londonderry.	Coleraine.	Academical Institution.	£10 0 0	—	£0 0 0	£,400 0 0	£,410 0 0
23	Antrim.	Lisburn.	Episcopal Endowment.	£1 0 0	—	0 0 0	—	£1 0 0
24	"	Belfast.	Lisburn Industrial School.	£20 0 0	70 0 0	75 0 0	£90 0 0	£,085 0 0
25	Londonderry.	Londonderry.	Magee College.	£200 0 0	—	£,460 0 0	£67 0 0	£,627 0 0
26	"	"	Gwyn's Charitable Institution.	£50 0 0	£0 10 0	£,001 10 1	—	£,051 10 1
			Young Endowment.	—	—	£200 0 0	—	£,200 0 0
27	"	"	Orapen School.	£2 10 0	—	—	—	£2 10 0
28	Dublin.	Dublin.	Dublin Working Boys' Home.	£40 0 0	—	—	£62 0 0	£102 0 0
			Harding Endowment.	—	—	£420 0 0	—	£,420 0 0
29	"	"	Endowed Female Day School.	£0 0 0	£04 0 0	£4 0 0	—	£8 0 0
30	Antrim.	Belfast.	Belfast Academy.	£60 0 0	£70 0 0	—	£,000 0 0	£,130 0 0
31	Dublin.	Dublin.	Philobothron Sunday and Daily Schools.	£0 0 0	£ 0 1	£8 11 0	0 0 0	£8 11 0
32	Cavan.	Tullyvin.	Tullyvin and Bannewa Schools.	£0 10 0	—	£70 10 7	—	£70 10 7
33	Fermanagh.	Lisnaskea.	Moat School.	£0 0 0	£0 0 0	—	£0 0 0	£0 0 0
			Gravelly School.	£,420 10 1	£,004 10 1	£,200 0 0	£,750 10 1	£,474 10 1

\* Exclusive of School Fees which do not come into the hands of the Governing Body, but are paid directly to the Masters.

† Exclusive of Marston Endowment of £10,000 for Marston Hall.

‡ Exclusive of voluntary Endowment not yet taken into possession.

§ £100 a year will be available when a life aged 24 drops, and a further sum of £10 a year when a life aged 70 drops.

TABLE II.—ENDOWMENTS of the several Institutions for which Draft Schemes have been published, with the estimated Income of these Institutions from fees, subscriptions, and other sources—continued.

No. of Schemes.	Endowment.			Valuation of School Buildings and Premises.	Annual Income of Endowment.		Estimated Annual Income from Fees, Subscriptions, and other Sources.	Total Annual Amount to be administered under Scheme.
	County.	Locality.	Name.		From Houses and Lands.	From Trust Funds.		
			Brought Forward.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
22	Dublin.	Dublin.	St. Peter's Schools.	6,000 10 7	5,386 10 1	11,300 0 0	27,586 10 1	47,486 10 1
			Mrs. Wray's School.	—	—	200 0 0	200 0 0	200 0 0
23	Leedsbury.	Coleraine.	Leedsbury Hill School.	2 0 0	80 0 0	—	—	82 0 0
	Armagh.	Armagh.	Royal School.	290 0 0	1,457 0 0	30 10 1	—	—
	Tyrone.	Drumgonan.	Royal School.	271 0 0	1,032 10 0	7 10 0	—	—
	Fermanagh.	Eandishillen.	Royal School.	243 0 0	1,107 10 0	27 10 4	—	—
24	Cavan.	Cavan.	Royal School.	90 10 0	371 10 10	100 0 0	—	1,000 10 0
	Down.	Euphor.	Royal School.	70 0 0	447 10 4	—	—	—
	King's.	Benaguer.	Royal School.	42 0 0	181 0 10	—	—	—
	Wicklow.	Caryston.	Royal School.	10 0 0	102 1 0	20 10 0	—	—
25	Down.	—	The Roberton Endowment.	70 0 0	—	600 0 0	—	670 0 0
26	Armagh.	Lurgan.	Queen-street National School.	60 0 0	—	—	40 0 0	100 0 0
27	Cork.	Cork.	High School for Girls.	60 0 0	—	—	1,210 0 0	1,270 0 0
28	"	Baltimore.	The Baltimore Fishery School.	40 0 0	—	—	1,307 0 0	1,347 0 0
29	Dublin.	Dublin.	The Royal Irish Academy of Music.	250 0 0	20 0 0	900 7 11	1,170 10 0	1,390 10 0
			The Cusack Endowment.	—	—	944 0 10	—	—
30	Leedsbury.	Leedsbury.	Leedsbury Joint Institution.	171 0 0	—	—	51,004 0 0	51,175 0 0
31	—	—	The Church of Ireland Victoria Jubilee Fund.	—	—	400 10 0	—	400 10 0
32	Limerick.	Limerick.	Villiers' Charitable Institution.	151 0 0	809 10 1	771 0 0	—	1,580 10 1
33	Antrim.	Ballymena.	Gay's Free School.	60 0 0	—	20 0 0	—	80 0 0
34	"	"	Ballymena College School.	20 0 0	—	—	40 0 0	60 0 0
35	Tipperary.	Chester.	Chester Endowed School.	40 0 0	448 10 0	—	—	488 10 0
36	Kilkenny.	Kilkenny.	Kilkenny College.	60 0 0	120 4 7	—	—	180 4 7
			St. Fin Barre's Parochial School.	20 0 0	0 4 7	—	—	—
			St. Luke's Parochial School.	0—	—	—	100 0 0	—
			St. Mary Shandon Parochial School.	40 0 0	—	61 0 0	11 0 0	—
			St. Nicholas' Parochial and Industrial School.	20 0 0	—	171 10 0	1,001 10 10	—
37	Cork.	Cork.	St. Peter's Parochial School.	22 10 0	50 10 0	100 10 7	—	1,620 10 0
			Christ Church Parochial School.	20 0 0	10 0 0	0 0 0	67 10 0	—
			Green Coat Hospital.	700 0 0	100 0 0	4 10 0	—	—
			Grammar School.	25 0 0	—	—	600 0 0	—
			Knightsbridge's Charity.	220 10 0	140 0 0	77 10 0	—	—
38	Leedsbury.	Highland.	Kilney's School.	700 0 0	102 10 0	—	20 0 0	300 10 0
39	Kilkenny.	Thomastown.	Parochial School.	4 10 0	—	0 4 0	20 0 0	41 0 0
			The Driffield School.	50 0 0	613 10 4	—	—	—
40	Armagh.	Armagh.	The Mill School.	20 0 0	20 0 0	—	10 0 0	—
			The Olanesport School.	0 0 0	—	—	—	—
			Princess Robinson's Loan Fund.	—	—	10 0 0	—	—
41	Down.	Highwood.	The Hillside School.	20 0 0	—	465 0 0	500 0 0	1,065 0 0
42	Cork.	Cork.	The Rockside Seminary.	100 0 0	—	40 10 4	1,200 4 0	1,340 10 0
			Total.	6,310 4 7	11,700 0 0	10,000 10 0	39,420 10 10	79,490 0 10

\* The School Fees do not come into the hands of the Governing Body, but are paid directly to the masters.

† There is an unestimated portion in the hands of the committee subject to a claim of the French Government for duty.

‡ The fees are paid directly to the masters, with the exception of the fees for Modern Languages, which are received by the Secretary, who pays £200 a year to the Modern Languages Master.

§ Rev. Mr. King, the present master, holds life annuity as Diocesan Schoolmaster under Irish Church Act, 1836.

¶ These schools are about to be rebuilt. † Estimated, the school-house not appearing in valuation books.

*Objections and Amendments.*

During a period of two months from the first publication of each draft Scheme, objections may be lodged, and amendments may be proposed, under section 22 of the Act, by any public body or person interested. In accordance with this provision, objections were lodged and amendments were proposed during the past year by the several public bodies and persons mentioned in the following list:—

**Draft Scheme No. 26. The Dublin Working Boys' Home and Harding Endowment.**

1. The Commissioners of Charitable Donations and Bequests.

**Draft Scheme No. 27. The Bertrand Female Orphan School.**

1. The Commissioners of Charitable Donations and Bequests.
2. The existing Governing Body.
3. The Dublin Presbytery.
4. Rev. M. W. Jellitt, Incumbent of St. Peter's Parish.

**Draft Scheme No. 28. The Belfast Royal Academy.**

1. The Commissioners of Charitable Donations and Bequests.
2. The existing Governing Body of the Academy.
3. Wm. F. Collier, M.D., Principal of the Academy.

**Draft Scheme No. 29. The Phikeborough Sunday and Daily Schools, Dublin.**

1. The Commissioners of Charitable Donations and Bequests.
2. The existing Trustees of the Schools.
3. The Dublin Presbytery.
4. The Standing Committee of the General Synod of the Church of Ireland.

**Draft Scheme No. 30. The Tullyvin and Benbawn Schools.**

1. The Commissioners of Charitable Donations and Bequests.
2. The Commissioners of Education.
3. The proposed Governors.
4. Robert Good, Master of Tullyvin School.

**Draft Scheme No. 31. The Most School, Lismaken.**

1. The Commissioners of Charitable Donations and Bequests.
2. The proposed Governors.
3. The Right Hon. the Earl of Erskine.

**Draft Scheme No. 32. St. Peter's Parochial Schools, and Mrs. Wray's School.**

1. The Commissioners of Charitable Donations and Bequests.
2. The existing Governors of St. Peter's Parochial Schools.
3. The existing Trustees of Mrs. Wray's School.

**Draft Scheme No. 33. Laurel Hill School, Coleraine.**

1. The Commissioners of Charitable Donations and Bequests.
2. The proposed Governors.
3. Rev. Robert Kyle.

**Draft Scheme No. 34. The Royal School Endowments.***The existing Governing Body—*

1. The Commissioners of Education in Ireland.

*Bodies representing Religious Denominations—*

2. The Standing Committee of the General Synod of the Church of Ireland.
3. The Diocesan Councils of Armagh, Clogher, and Derry.
4. The Diocesan Council of Kilmora.
5. The Intermediate Education Committee of the General Assembly of the Presbyterian Church.
6. The Methodist Conference.

*Persons representing Religious Denominations—*

7. The Most Rev. Dr. Logue, Roman Catholic Archbishop of Armagh.
8. The Most Rev. Dr. Walsh, Roman Catholic Archbishop of Dublin.
9. The Most Rev. Dr. Donnelly, Roman Catholic Bishop of Clogher.
10. The Most Rev. Dr. McGinnis, Roman Catholic Bishop of Kilmora.
11. The Most Rev. Dr. O'Donnell, Roman Catholic Bishop of Raphoe.
12. The Very Rev. Dr. Henry, President, St. Malachy's College, Belfast.
13. The Very Rev. Dr. Hanson, President, St. Columba's College, Londonderry.
14. The Very Rev. B. M'Namee, R.F., V.F., Omagh.

## Draft Scheme No. 34. The Royal School Endowments—continued.

*Schoolmasters' Associations and Committees—*

15. The Schoolmasters' Association.
16. The Standing Committee of Roman Catholic Head Masters.

*Local Bodies, Public Meetings, &c.—*

17. Raphoe Royal School Committee (Protestant).
18. The Protestant Denominations in West Donegal.
19. The Local Committee of Protestant Denominations in the County of Fermanagh.
20. The Protestant Local Committee at Dungannon.

*Persons claiming Vested Interests—*

- |  |  |
|--|--|
| 21. W. M. Mitchell, Architect to the Commissioners of Education.         |  |
| 22. Rev. W. M. Morgan, M.D., Armagh,                                     | } Head Masters of the Royal Schools.           |
| 23. Rev. F. H. Ringwood, M.D., Dungannon,                                |  |
| 24. Rev. W. Steele, D.D., Enniskillen,                                   |  |
| 25. Rev. J. A. Weir, M.D., Raphoe,                                       |  |
| 26. Rev. W. P. Moore, M.A., Cavan,                                       |  |
| 27. P. K. Joyce, M.A., Banagher,   | } Assistant Masters in the Royal Schools.      |
| 28. T. Gordon, M.A., Armagh,   |  |
| 29. W. H. Gunning, M.A., Dungannon,                                      |  |
| 30. M. Beckett, B.A., Dungannon,   |  |
| 31. T. C. Gambler, Dungannon,  |  |
| 32. M. Whelan (Drill Sergeant), Dungannon,                               |  |
| 33. W. J. Valentine, M.A., Enniskillen,                                  |  |
| 34. C. Hennig, Enniskillen,  |  |
| 35. W. Brown, Cavan,   |  |
| 36. J. McLaughlin, Farm Servant, Enniskillen Royal School.               |  |
| 37. J. C. Fox and E. Fox, Teachers, Townsville Tenantry School, Donegal. |  |
| 38. Rev. H. B. Carter, D.D.,   | } As to Exhibitions at Dungannon Royal School. |
| 39. Rev. T. J. Jones, M.A.,  |  |
| 40. J. Hewitt,   |  |

*Other Persons—*

41. Viscount De Vesci.

## Draft Scheme No. 35. The Robertson Endowments, Co. Donegal.

1. The existing Managing Committee of the Endowments.
2. William H. Porter, proposed Governor.
3. Ven. M. Bell Cox, Archbishop of Raphoe, proposed Governor.
4. Rev. Samuel G. Cookson, Incumbent of Killybegs, proposed Governor.
5. Rev. Abraham Jago, Incumbent of Drumahaire.

## Draft Scheme No. 37. High School for Girls, Cork.

1. The existing Board of Management of the School.

## Draft Scheme No. 38. The Baltimore Fishery School.

1. The existing Trustees of the School.

## Draft Scheme No. 39. The Royal Irish Academy of Music, and the Conlon Endowments.

1. The Commissioners of Charitable Donations and Bequests.
2. The existing Managing Body of the Royal Irish Academy of Music.
3. The Corporation of Dublin.
4. John O'Donnell.

## Draft Scheme No. 40. Londonderry Academical Institution.

1. The existing Board of Managers of the Institution.

## Draft Scheme No. 41. The Church of Ireland Victoria Jubilee Fund.

1. The existing Governing Body of the Endowment.

## Draft Scheme No. 42. The Villiers' Charitable Institutions, Limerick.

1. The existing Trustees of the Institutions.

## Draft Scheme No. 43. Gay's Free School, Ballymena.

1. The existing Trustees of the School.
2. The Ballymena Presbytery.
3. John Patrick, one of the existing Trustees.
4. The Very Rev. John W. Murray, M.D., Dean of Connor.

## Draft Scheme No. 44. Ballymena Collegiate School.

1. The existing Governing Body of the School.
2. Sir Hugh Adair, Bart.
3. The Ballymena Presbytery.
4. Rev. Robert King, M.A., Head Master.

## Draft Scheme No. 45. Clonmel Endowed School.

1. The Commissioners of Education.
2. The proposed Governors.
3. Rev. M. Le B. Kennedy, Head Master.

## Draft Scheme No. 46. Kilkenny College.

1. The proposed Governors.
2. The Most Noble The Marquess of Ormonde.
3. The Provost, Fellows, and Scholars of Trinity College, Dublin.
4. James Maxwell Weir, M.A., Head Master.
5. The Parents of Pupils (past and present) of Craghton's School, Kilkenny.

## Draft Scheme No. 47. The Cork Parochial Schools, Green Coast Hospital, Grammar School, and Brettridge's Charity.

1. The proposed Governors.
2. The existing Trustees of Brettridge's Charity.
3. Rev. George Webster, D.D., Incumbent of St. Nicholas' Parish.
4. Venerable Mervyn Archball, D.D., Archdeacon of Cork.

## Draft Scheme No. 48. Rainey's School, Magherafelt.

1. The Most Rev. Robert Knox, D.D., Protestant Archbishop of Armagh.
2. The Worshipful Company of Salters.
3. Andrew Brown, proposed Governor.
4. The Intermediate Education Committee of the Presbyterian Church in Ireland.
5. Rev. P. Canon Donnelly, F.R.S., and others, Magherafelt.
6. The Moderator of the General Assembly.
7. John Glover, Magherafelt.
8. H. E. Kincaid, Head Master.

## Draft Scheme No. 50. The Drilincourt, Mall, and Callan-street Schools, and "Primate Robinson's Loan Fund."

1. The Select Vestry of the Parish of Armagh.
2. The Select Vestry of the Parish of Clonfacle.
3. George Strong, Head Teacher in Drilincourt School.

## Draft Scheme No. 51. The Sullivan Schools, Holywood.

1. The existing Trustees and Committee of the Schools.
2. Adam Speers, M.A., Head Master.

## Draft Scheme No. 52. The Rochelle Seminary.

1. The proposed Governors.

*Provision for future alteration of Schemes.*

At the beginning of the year an important objection affecting all our Schemes was raised by the Commissioners of Charitable Donations and Bequests. It was contended that when provision was made for the future alteration of Schemes under section 18 of the Act, it should in every case be left open to all parties interested to apply to the Commissioners from time to time for alterations in the Schemes. For the consideration of this objection we arranged with the Commissioners to hold a public sitting, of which a report will be found in the Appendix, p. 288. At this sitting, strong representations were made of the insecurity and risk of trouble and expense involved in exposing governing bodies and endowments to indiscriminate applications for changes in the Schemes approved by the Lord Lieutenant, and it was also stated that many governing bodies would withdraw from seeking the benefits of the Act if an uncontrolled power of applying to alter Schemes were placed in the hands of every interested party. The Judicial Commissioners were of opinion that it was within our jurisdiction to provide for the future alteration of each Scheme under such special conditions as the circumstances of the endowment appeared to require, but as the objection had been also raised before the Privy Council, we thought it right to await the decision of the Council before publishing any additional Schemes. It was, on February 6, 1888, decided that we were justified in defining in each Scheme those by whom applications for its alteration may be made. We have since, as a rule, limited the power to the Governing

Body, and some representative or other independent authority, which might act in case the Governing Body failed to seek an alteration of the Scheme when required in the interest of the endowment.

#### *Provision for Removal of Head Masters.*

The Schoolmasters' Association raised an objection before the Privy Council, in the cases of the Royal Belfast Academical Institution and the Belfast Royal Academy, to the provisions of the Schemes relating to the dismissal of teachers, and sought for the insertion of a clause requiring the concurrence of two-thirds of the Governors to terminate the engagement of a Head Master. The Privy Council did not adopt this suggestion, but approved of a provision, which we have since taken as a precedent in similar cases, requiring for the dismissal of a Head Master the concurrence of a majority of the Governors in a resolution passed at each of two successive meetings, convened by special notice.

#### *Denominational Endowments.*

A large number of denominational bodies, and of persons interested in endowments exempt from our jurisdiction under section 7 of the Act, have applied to us to deal with exclusive endowments by consent.

On this subject we have been in correspondence with "The Representative Church Body," and with "The Standing Committee of the General Synod of the Church of Ireland," and we have received applications to incorporate Diocesan bodies for the administration of Educational Endowments in connection with that Church from the following Dioceses:—Armagh; Clogher; Meath; Down, Connor, and Dromore; Tuam; Killalee and Achonry; Dublin; Glendelagh; Kildare; Ossory; Ferns; Leighlin; Cork, Cloyne, and Ross; Killaloe; Limerick; and Ardferd and Aghadoo.

We have also received a communication from the General Assembly as to the incorporation of a body or bodies for administering Educational Endowments belonging to the Presbyterian Church.

Evidence has been brought before us that, in many instances, small and scattered endowments have been lost or endangered, and that the efficiency of schools has been impaired, through difficulties of title, neglect of trustees, want of supervision, and other causes likely to be obviated by the creation of permanent and efficient governing bodies, capable of administering educational trusts with due consideration for the general interest of the localities or classes entitled to benefit from the endowments. The draft Scheme No. 47 is an instance in which it is proposed to deal comprehensively with denominational endowments in an important locality, the city and liberties of Cork, by the formation of a representative governing body, the amalgamation of schools, the formation of school districts, and the establishment of intermediate schools for the reception of the more promising pupils from the primary schools.

#### *Provision for Inspection.*

The existing governing bodies of some exclusive endowments have found a difficulty in seeking the benefits of the Act, owing to the provisions of section 17, which requires that every school sharing in any endowment dealt with by a Scheme shall be subject to periodical inspection by an Inspector to be appointed by the Lord Lieutenant. This difficulty might be removed if we were authorized to define the duties and qualifications of the inspectors, and to provide some guarantee that the persons to be appointed should have the confidence of the religious denomination to which the endowments belong.

#### *The Royal School Endowments.*

On April 30, 1888, we published our Draft Scheme for the reconstitution of the Commissioners of Education and the future management of the Royal School Endowments. This Draft Scheme, which was framed upon the general principles stated in our last report, and was accompanied by an explanatory memorandum, will be found in the Appendix, p. 507.

Within two months from the first publication, we received a large number of objections and proposed amendments, which will be found in the Appendix, p. 526.

The objectors included the Commissioners of Education, the several head masters and others claiming to have vested interests in the endowments, and persons and bodies representing various local denominational and other interests.

A list of the objectors is given *supra*, pp. xiv and xv.

The objections may be grouped under the following heads :—

1. The constitution and powers of the central body, the Commissioners of Education.
2. The constitution and powers of the proposed Local Boards.
3. The area and distribution of the Endowments.
4. The conditions to be fulfilled by Schools sharing in the Endowments.
5. The method of dealing with the existing School buildings.
6. The special provisions regarding the Armagh Royal School and Endowment during the continuance in office of the present Head-master.
7. The provision for vested interests.

For the consideration of these objections we held public sittings in Dublin on August 2, 3, 4, and 7, 1883, at which most of the parties were represented by counsel, others appeared in person, and the Draft Scheme was fully discussed. The report of the proceedings will be found in the Appendix, p. 381. The Scheme is at present under revision.

We think it important to state some considerations to which regard must be had in the final settlement of the Scheme. The net income available for educational purposes from the five Ulster Royal School Estates, the only considerable public property now administered by the Commissioners of Education, amounted during the past three years to the average annual sum of £3,530, distributed as follows :—

Armagh £944, Cavan £374, Dungannon £830, Enniskillen £1,293, Raphoe £139,

The average annual sum appearing as "Receipts" in the reports of the Commissioners during the same period was £5,344, but thirty-four per cent. of these "receipts" was expended upon "outgoings," including considerable sums allowed to the tenants as abatements of rent, and not actually received, though agents' poundage was paid upon them. We see little reason to anticipate any appreciable increase of the net income in future years, while if the lands were sold, and the purchase-money invested in Government stock or other permanent security, the net annual income would probably be reduced below £2,500.

During the past three years the expenditure upon the Armagh, Dungannon, and Raphoe schools has exceeded the net income from the respective estates. In Cavan and Enniskillen there has been a surplus, and the Commissioners have an accumulation of about £12,500 in hands derived from these endowments, but Armagh and Raphoe, on the other hand, have been debited with sums now amounting to over £2,130, and the Commissioners, in their last report, describe the financial position of the Raphoe School as "very embarrassed."

Section 11 of the Act requires us to "save" or to "make due compensation" for all vested interests, and the existing head masters have claimed a vested interest in the continuance during their tenure of office of the full present expenditure, and contend that if their interests be not "saved" they are entitled to compensation based upon the average amount of their emoluments for seven years before 1885, to be calculated as in cases of compulsory purchase, and paid out of the endowments.

If compensation were awarded upon the scale put forward by the claimants the endowments would be almost exhausted. The alternative of postponing the period at which the scheme will come into operation in each locality until the vested interest of the existing head master comes to an end, remains open for consideration. A reasonable provision for the retirement of masters no longer capable of discharging their duties with efficiency may tend to bring the scheme more rapidly into operation.

The Lords Commissioners of Her Majesty's Treasury have furnished us with a claim (Appendix, p. 546), against the Banagher Royal School Endowment for a sum of £235 18s. 11d., the balance of an advance of £298 18s. 9d. made in the year 1818 for expenditure on the school buildings, which are now held from year to year at a high rent the lease subsisting at the time of the outlay having long since expired. This claim is not disputed by the Commissioners of Education. The net annual income for the last three years has been only £70 14s. 4d., and the Banagher endowment is now debited with £203, advanced from the other estates to defray the master's salary and the other expenditure. After providing for the vested interest of the present master, little or nothing can remain available for educational purposes.

We received a suggestion from the Roman Catholic Archbishop of Dublin, during our recent public sitting, to transfer the Carysfort Royal School Endowment to Arklow, and to apply it there for purposes of industrial education. The Royal School at Carysfort has been closed since the death of the master in 1887, and when in existence was a

small and inefficient primary school in a remote locality. The average net annual income from the endowment is £75 4s. 4d. The proposal to transfer it to Arklow is under consideration.

In our opinion the Ulster Royal School endowments were originally intended, have hitherto been applied, and are still needed for the promotion of "Grammar school" education. The amount available may be fully utilized within that portion of the province which has hitherto had the benefit of them, and the preponderance of opinion at our public sittings has supported the conclusion that the right to share these endowments should be confined to the counties and dioceses in which the estates are situated, and within which, under the original charters and statutes, the schools were placed. But the fact that these public benefits are confined to a limited area in Ulster, will undoubtedly accentuate the want of similar endowments for grammar school education in other parts of Ireland.

On this subject, we have again to refer to the Memorandum which we addressed to the Chief Secretary of the Lord Lieutenant on November 30, 1886, and which is appended to our last Report. The subsequent course of our inquiries has confirmed our belief that the provision for Intermediate Education in Ireland is wholly inadequate, and bears no just proportion to the provisions for University and primary education.

Without some additional public endowment judiciously applied for higher education, upon a comprehensive system preserving a due distinction between schools of different grades, it is impossible in our opinion to place the arrangements for intermediate education throughout Ireland upon a satisfactory basis. It must always be remembered that the greater number of the endowments with which we can deal are of private origin, and restricted by the intentions of the founders to particular classes or to particular localities.

#### *Industrial and Technical Education.*

Many endowments originally intended by the founders to promote industrial education have ceased to be so applied, and are now employed in aid of intermediate or superior primary education. Almost all the schools established for the purpose of giving practical instruction in agriculture have failed, and we have found no general desire for their re-establishment in the districts where they formerly existed. In the absence of a local demand for technical or industrial education any sudden attempt to compel its introduction seems inexpedient. We have, however, where the nature of the endowments permitted, given powers to the governing bodies created by our schemes, as they may find it desirable, to establish evening classes, to employ travelling teachers, and to provide practical instruction in special subjects for pupils intending to follow commercial, industrial, or technical pursuits.

We have undertaken the preparation of schemes for several important institutions intended to promote special industries. The Baltimore Fishery School and the Munster Dairy School and Agricultural Institute, it may be hoped, will prove useful examples of this class.

We hope that some at least of the endowments originally intended for providing apprenticeship fees and marriage portions, forms in which it is now seldom found useful to apply charitable funds, may be made available for industrial education in accordance with the wants of the working classes of the present day. Section 10 of our Act provides that such funds may be dealt with as educational endowments.

During the last month we have held a series of public inquiries and have visited the principal schools in Connaught, having visited Ulster in 1886, and Munster in 1887.

All which we have the honour to submit for your Excellency's consideration as our Report in the premises.

Witness our hands, this Second day of November, 1888.

GERALD FITZGIBBON.  
JOHN NAISH.  
GERALD MOLLOY.  
ANTHONY TRAILL.  
JAMES B. DOUGHERTY.

WM. EDWARD ELLIS, Secretary.

Office of the Commission, 23, Nassau-street, Dublin.

## ADDITION TO THE REPORT BY ANTHONY TRAILL, ESQ., LL.D.

In the report of last year I disclaimed any responsibility for the principles which had then been adopted as the basis of the Scheme for the future management of the Royal School Endowments. A close examination of that Scheme, and a full discussion of all its details has not satisfied my mind that it is the justest or best solution of a difficult question, or that it is ever likely to work successfully in Ireland.

As the Scheme has now passed into the hands of the Judicial Commissioners, who alone will be responsible for its final shape, I take this, the only opportunity which remains to me of stating shortly the principles upon which I think such a Scheme should have been framed, but which were rejected by the majority of the Commissioners.

1. As the original Founders of these Endowments by Royal Charter obviously intended them to be used for the benefit of the Protestant Settlers, as part of the Scheme for the Plantation of Ulster, it would seem only reasonable that when these benefits are now being extended to Roman Catholics, they should be further extended to the large Protestant population of Ulster, by including the counties of Antrim and Down and the remaining portion of Londonderry not at present included in the Scheme.

2. With this extension, the Endowments might be roughly divided into three equal parts :—

- One-third to the Roman Catholics,
- One-third to the Church of Ireland and the Methodists,
- One-third to the Presbyterians and other Protestant Denominations.

Each of these sections of the community then being allowed to work out the educational problem of the future according to its own requirements.

3. If this extension be not adopted, but if the districts selected in the Scheme are to be adhered to, then each of the principal religious denominations within those districts should receive its own share of the Endowments, while at the same time every facility should be provided whereby different denominations should be enabled to combine their resources, for educational purposes, in such manner as they should think fit and should agree upon.

N.B.—In the distribution of the minimum grants in the present Scheme, this principle has been conceded to the Roman Catholics, but has been refused to the Protestants.

4. Each district should have its own Endowment thus divided within itself, and without reference to the population of the other districts.

5. Within each district this distribution should be made on a rough calculation of the relative numbers of each denomination who might be reasonably expected to look for the higher Intermediate Education, usually designated "Grammar School Education," for which these endowments were intended and for which the present Scheme professes to preserve them.

The National system of education provides most liberally for the education of the masses of the population, so that in estimating the numbers from whom those looking for Intermediate Education may be drawn, the illiterate population may be omitted and probably two-thirds of the literate population as well.

6. The actual calculations on which such a distribution should be based could be readily made out from the Census Returns of 1881, by estimating what proportion of each of the classes there given could be fairly expected to look for this higher education, the great object to be secured being, that those possessed of talent should come to the top, from every class in the community, but that those not so endowed should not be artificially taken from their sphere in life, and thrust forward into positions for which they are not suited and for which nature never intended them.

ANTHONY TRAILL.

## ABSTRACT OF THE MINUTES OF THE COMMISSIONERS.

## PART I.

## SUMMARY OF MEETINGS AND ATTENDANCES.

(A.) TABLE showing MEETINGS held during the Year ending September 30, 1888.

MEETINGS HELD BY	Number of Meetings held.	Number of these Meetings which were Public Inquiries.	Number of stated attendances of Full Commission.
The Full Commission, . . . . .	112	36	6
The Judicial Commissioners, . . . . .	30	—	—
The Assistant Commissioners, . . . . .	43	—	—
Total, . . . . .	191	36	6

(B.) TABLE showing the ATTENDANCES of the COMMISSIONERS at the Meetings during the Year ending September 30, 1888.

NAMES OF COMMISSIONERS.	Full Commission.		Judicial Commissioners Meetings.	Assistant Commissioners Meetings.	Total.
	Meetings.	Stated Attendances.			
JUDICIAL COMMISSIONERS :					
Lord Justice FitzGibbon, . . . . .	105	6	85	—	197
Lord Justice Nash, . . . . .	95	—	55	—	151
ASSISTANT COMMISSIONERS :					
Very Rev. Dr. Molloy, . . . . .	109	2	—	40	151
Dr. Traill, . . . . .	92	1	—	36	129
Professor Dougherty, . . . . .	97	2	—	32	131

## PART II.

## MINUTES OF THE FULL COMMISSION.

October 4, 1887.

## PUBLIC SITTING.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGERDON, Lord Justice NAESB, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Minutes of the four preceding meetings read and confirmed.

Mr. Augustine Short, Shorthand Writer, was in attendance.

This was a sitting to consider the objections lodged against the draft Schemes published by the Commission for the future government and management of the following endowments:—

No. 12, Hibernian Marine Society.

No. 14, Claremont Institution for the Deaf and Dumb.

No. 18, Merchant Tailors' School.

## CLAREMONT INSTITUTION FOR THE DEAF AND DUMB.

The following members of the governing body attended:—

The Most Rev. Lord Plunket, Archbishop of Dublin.

Very Rev. The Dean of the Chapel Royal, Hon. Sec.

Rev. J. A. Dickinson.

Rev. J. H. Kennedy.

Rev. W. H. Fisher.

Thomas Gick, Esq., Mus.D., Assistant Secretary, also attended.

Mr. J. J. Shaw [instructed by Messrs. Carson and McDowell] appeared on behalf of the Ulster Society for promoting the education of the deaf and dumb and the blind.

Mr. Haury, Solicitor, appeared on behalf of the Dublin Presbytery.

Rev. J. M. Hamilton, M.A., Clerk of the Dublin Presbytery, and the Rev. John Kingham, President of the Ulster Society, were also present.

## HIBERNIAN MARINE SOCIETY.

The following members of the governing body attended:—

The Most Rev. Lord Plunket, Archbishop of Dublin.

P. Stokes, Esq.

Marcus T. Moses, Esq.

Arthur R. Oldham, Esq.

Thomas Curtis, Esq.

F. De Lisle, Esq., Registrar, also attended.

## MERCHANT TAILORS' SCHOOL.

The following members of the governing body attended:—

Rev. A. Leeper, M.A.

John W. Brian, Esq.

Robert Smyth, Esq.

George Macnife, Esq.

Robert MacMullen, Esq., Hon. Sec.

## PRIVATE MEETING.

Letters read:—

Rev. John Kingham (September 19).

Messrs. Carson and McDowell (September 23), as to the objections lodged against the Draft Scheme published for the Claremont Institution.

The Worshipful the Mayor of Drogheda (September 21), as to an endowment belonging to the Christian Schools, Drogheda.

Rev. William C. Ledger (September 23), enclosing objections to the Draft Scheme published for the Most School, Limerick.

Ven. W. C. Gorman, Archdeacon of Ossory (September 24), as to Thomastown Parochial School, county Kilkenny.

Rev. F. Langbridge (September 26), as to St. John's Parochial Schools, Limerick.  
 Thomas Glack (September 27), enclosing objections to the Draft Scheme published for the Bertram Female Orphan School, Dublin.  
 Rev. R. G. M. Webster (September 28), enclosing objections to the Draft Scheme published for St. Peter's Parochial Schools and Mrs. Wray's School, Dublin.  
 The Sub-Sheriff of Kilkenny (September 29), as to accommodation at the Court-house, Kilkenny.  
 The Town Clerk, Youghal (October 1), as to accommodation at the Town Hall, Youghal.  
 Ven. R. P.A. Orpen, Archbishop of Ardfert (September 30), as to sitting to be held at Limerick.

Letter (October 3), read from Rev. Canon McDonagh, D.D., inquiring if it is competent for the Incorporated Society, pending the settlement of a Scheme by the Educational Endowments Commissioners dealing with its endowments, to pension off or raise the salaries of any of its officers or teachers.

To be informed that the Society can make any arrangements it thinks fit, but no vested interest can be thereby created.

Letter (October 1), read from Miss Ellen Mulhara, as to giving evidence at the sitting at Cork.

To be informed that an opportunity will be given her to give evidence at Cork.

Letter (September 27), read from Mr. Peter Clarke, senior, asking if he and other tenants on the lands belonging to the Bishop Hodson's Grammar School, Elphin, are to pay their rent as usual to the Very Rev. William Warburton, Dean of Elphin.

To be informed that they are.

Letter (September 23), read from Rev. Thomas Jordan, D.D., as to payments to teachers in Rainey's School, Magherafelt.

To be informed that the Commissioners cannot interfere about the payments referred to by him.

Letter (September 29), read from Rev. A. MacLaughlin, as to the tenants on the Erasmus Smith's Estates in the county Tipperary.

To be informed that the Commissioners are prepared to hear any evidence he may desire to offer.

The Secretary was directed to write to each person from whom objections had been received against the Draft Scheme for the Nicholson Endowment, Lisburn, stating

- (1.) That a sitting will be held at Lisburn, on November 1, at 12 o'clock, to consider the objections.
- (2.) What objections have been received.
- (3.) That the objections may be seen at the Office of the Commission.

The Draft Annual Report for the year 1886-7 was considered and amended.

The Commissioners adjourned.

GERALD FITZGERSON,

October 7, 1887.

Wm. Edward Ellis, Secretary.

October 6, 1887.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present :—Lord Justice FITZGERSON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
 Dr. TRAILL, Professor DOUGHERTY.

The Draft Annual Report for the year 1886-7 was considered and amended.

The Commissioners adjourned.

GERALD FITZGERSON,

October 7, 1887.

October 6, 1887.

Stated attendance of the Commissioners held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGERBON, Lord Justice NAISH, Professor DOUGHERTY.

Revisé of the Scheme to be signed by the Judicial Commissioners for the Dublin Working Boys' Home and the Harding Bequest, was ordered to be sent to press, and a letter to be sent to the respective Governing Bodies with the Scheme was approved.

It was ordered:—

That 12 copies of each Scheme as finally approved by the Lord Lieutenant and 2 copies of each Gazette relating to the same, be furnished to the Office on publication.

GERALD FITZGERBON,

October 7, 1887

Wm. Edward Ellis, Secretary.

October 7, 1887.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGERBON, Lord Justice NAISH, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the two preceding meetings and of the stated attendance of October 6 read and confirmed.

Letters read:—

Rev. A. B. Wilson (Oct. 4), as to Glenties Parochial School, co. Cork.

W. F. Oellier, LL.B., Principal (Oct. 4); and Messrs. L'Estrange and Brett, Solicitors (Oct. 6), on behalf of the existing Governing Body; objecting to the Draft Scheme for the Belfast Royal Academy.

H. M. Pilkington, Trustee of Mrs. Wray's School (Oct. 4), objecting to the Draft Scheme for St. Peter's Parochial Schools and Mrs. Wray's School, Dublin.

Rev. Canon Sedleir (Oct. 4), as to Morgan's and Mercer's Schools, Castleknock.

Rev. Robert Kyle and others (Oct. 5); and Messrs. Crockett and Louch, Solicitors (Oct. 6); objecting to the Draft Scheme for the Laurel Hill School, Coleraine.

Rev. Canon Jellitt, LL.D. (Oct. 5), objecting to the Draft Scheme for the Bertrand Female Orphan School, Dublin.

Letter (Sept. 23), read from Mr. J. Murphy, asking for a copy of the Scheme for the Oldcastle Endowed School, co. Meath.

To be informed that no Scheme has yet been published for that Endowment.

Letter (Oct. 4), read from Thomas Howson, Esq., as to the Claremont Institution.

To be informed that his letter will be considered when the Commissioners come to settle a Scheme for that Endowment.

Letter (Oct. 5), read from Rev. A. C. Fowler, as to the Hibernian Marine Society.

[Same reply as to preceding letter.]

Letter (Oct. 6), read from Rev. D. Humphreys, O.C., as to the Erasmus Smith's Schools.

[Same reply as to preceding letters.]

Letter (Oct. 6), read from the Secretary, Royal Belfast Academical Institution, asking for additional copies of the revised Scheme for that Institution.

Copies ordered to be sent.

The objections and amendments to the Draft Scheme published for the Hibernian Marine Society in Dublin, were considered.

The Commissioners adjourned.

GERALD FITZGERBON,

October 31, 1887.

Wm. Edward Ellis, Secretary.

October 10, 1887.

PUBLIC SITTING.

Meeting of the Commission held this day at the Courthouse, Limerick.

Present :—Lord Justice FITZGERSON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Mr. C. Ryan, Shorthand writer, was in attendance.

Mr. Barry, one of the Trustees of Mungret Agricultural School, applied to have a time fixed for the hearing of the case.

The case was fixed for 3 o'clock this day.

VILLIERS' SCHOOLS.

The following witnesses were sworn and examined :—

Rev. David Wilson, D.D. } Existing Trustees.  
Rev. William J. Clarke, M.A. }

LEAMY'S FREE SCHOOL.

The following witnesses were sworn and examined :—

The Most Rev. Dr. O'Dwyer, Bishop of Limerick.  
Very Rev. Thomas Bunbury, M.A., Dean of Limerick.  
Venerable F. J. Hamilton, M.A., Archdeacon of Limerick.  
Rev. James F. Gregg, M.A.  
Rev. Edward Gabbett, M.A.  
W. Wilson Mercer, Esq., Head Master.

MUNGRET AGRICULTURAL SCHOOL.

The Right Hon. Lord Emly, and Sir Stephen E. de Vere, B.L., were present on behalf of the Governing Body.

The following witnesses were sworn and examined :—

J. G. Barry, Esq., J.P.  
Rev. Jean Baptiste Hená,  
The Most Rev. Dr. O'Dwyer, Bishop of Limerick.

The following made statements and were examined :—

Sir Stephen E. de Vere, Bart., B.L.  
Right Hon. Lord Emly.  
Very Rev. William Delany, M.D.

The Commissioners adjourned.

Previous to the Public Sitting the Commissioners inspected Villiers' Schools, Henry-street, and Leamy's Free School,

GERALD FITZGERSON,

October 11, 1887.

N. D. Murphy, Junr.,  
Chief Clerk and Assistant Secretary.

October 11, 1887.

Meeting of the Commission held this day at Cruise's Royal Hotel, Limerick.

Present :—Lord Justice FITZGERSON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting read and confirmed.

The Assistant Secretary was directed to write to Mr. Sanders, Agent of the Erasmus Smith's Schools Estates, requesting his attendance to give evidence before the Commission, and suggesting that Cork would be the most convenient place.

The Commissioners adjourned, and then proceeded to inspect Mungret Agricultural School.

GERALD FITZGERSON,

October 12, 1887.

N. D. Murphy, Junr.,  
Chief Clerk and Assistant Secretary.

October 11, 1887.

## PUBLIC SITTING.

Meeting of the Commission held this day at the Courthouse, Limerick.

Present :—Lord Justice FITZGERDON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Mr. C. Ryan, Shorthand Writer, was in attendance.

## MEMORIAL OF CERTAIN PROTESTANT INHABITANTS OF KERRY.

Venerable R. d'A. Orpen, Archdeacon of Ardfer, made a statement in support of the memorial.

## LEAMING'S FREE SCHOOL.

This case was resumed.

The following witnesses were sworn and examined :—

Rev. W. Bazendale.  
Rev. J. W. R. Campbell.  
Alexander Shaw, Esq.  
J. O'Shaughnessy, Esq., M.D.  
Very Rev. Thomas Bunbury was recalled.

## CHRISTIAN BROTHERS' SCHOOLS.

Rev. Brother J. P. Slinnery was sworn and examined.

It was ruled :—That the Act does not apply to the Endowment unless with the consent in writing of the Governing Body.

## MOUNT ST. VINCENT CONVENT SCHOOL.

Rev. D. FitzGerald, P.P., was sworn and examined.

It was ruled :—That the Act does not apply to this Endowment unless with the consent in writing of the Governing Body.

## LIMERICK DIOCESEAN SCHOOL, ROXBOROUGH ROAD.

The following witnesses were sworn and examined :—

Most Rev. Dr. O'Dwyer, Bishop of Limerick.  
Rev. James F. Gregg, M.A.

It was ruled :—That as regards the school now carried on in the premises, the Act does not apply unless with the consent in writing of the Governing Body.

That the interest in the buildings now vested in the Commissioners of Education, subject to the tenancy of the Rev. J. A. Gregg created therein, constitutes an Educational Endowment coming within the jurisdiction of the Commission, and to be dealt with as such.

## THE CATHEDRAL GRAMMAR SCHOOL.

The following witnesses were sworn and examined :—

Most Rev. Dr. O'Dwyer, Bishop of Limerick.  
Very Rev. Thomas Bunbury, Dean of Limerick.

## ST. JOHN'S PAROCHIAL SCHOOLS.

Rev. Frederick Langbridge was sworn and examined.

It was ruled :—That the Act does not apply to this Endowment unless with the consent in writing of the Governing Body.

## ST. MICHAEL'S PAROCHIAL SCHOOLS.

It appearing that this Endowment is not now applied to Educational purposes by reason of the provision of a Chancery Scheme approved in the year 1880, it was declared not to come within the scope of the Commission.

## SACRED HEART COLLEGE.

Rev. T. O'Keefe sworn and examined.

It was ruled :—That the Act does not apply to this Endowment unless with the consent in writing of the Governing Body.

The Commissioners adjourned.

GERALD FITZGERDON,

October 12, 1887.

N. D. Murphy, Junr.,  
Chief Clerk and Assistant Secretary.

October 12, 1887.

Meeting of the Commission held this day at Craze's Royal Hotel, Limerick.

Present :—Lord Justice FITZGERSON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Minutes of the two preceding meetings read and confirmed.

Letter [Oct. 10] read from Rev. M. Culligan, President of the Diocesan College, Ennis, as to the order in which the cases would be taken at the sittings at Ennis.

The Assistant Secretary was directed to telegraph to the Rev. Mr. Culligan that the cases would be taken in the order in which they appear in the list.

Letter [Oct. 11] read from James Lane, solicitor, Cork, as to the form in which the Draft Scheme proposed by the Governing Body of the Rosbelle Governesses' Seminary, Cork, should be sent to the Commissioners.

To be informed that the Scheme should be written on case paper, in wide lines, and that one copy will be sufficient.

Letter [Oct. 11] read from the Hon. Secretary, Cork Club, extending to the Commissioners and Staff the privileges of the Club during their stay in Cork.

The Assistant Secretary was directed to thank the Committee of the Cork Club for their courtesy.

GERALD FITZGERSON,

October 13, 1887.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

October 12, 1887.

# PUBLIC SITTING.

Meeting of the Commission held this day at the Courthouse, Ennis.

Present :—Lord Justice FITZGERSON, Lord Justice NAISH, Rev. Dr. MOLLOY.

Dr. TRAILL, Professor DOUGHERTY.

Mr. G. Ryan, Shorthand Writer, was in attendance.

Lord Justice FITZGERSON made an opening statement.

## KILLALOE DIOCESAN COLLEGE.

Rev. Denis Kelly, Vice-President, was sworn and examined.

It was ruled :—That the Act does not apply to this Endowment, unless with the consent in writing of the Governing Body.

## ERASMUS SMITH'S GRAMMAR SCHOOL.

The following witnesses were sworn and examined :—

R. Harris Flynn, LL.D., Head Master.

Rev. Julius Henry Griffith.

Patrick M. Callinan, Esq., M.B., J.P.

James Brown Molloy.

## CHRISTIAN BROTHERS' SCHOOLS, ENNIS.

Rev. Brother J. D. McNally was sworn and examined.

It was ruled :—That the Act does not apply to this Endowment, unless with the consent in writing of the Governing Body.

The Commissioners adjourned and proceeded to inspect the Grammar School and the Diocesan College.

GERALD FITZGERSON,

October 13, 1887.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

October 13, 1887.

PUBLIC SITTING.

Meeting of the Commission held this day at ERASMUS SMITH'S Grammar School, Tipperary.

Present:—Lord Justice FITZGERBON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Minutes of the two preceding meetings read and confirmed.

Mr. C. Ryan, Shorthand Writer, was in attendance.

ERASMUS SMITH'S GRAMMAR SCHOOL, TIPPERARY.

Rev. W. B. Lindsay, LL.D., Head Master, was sworn and examined.

ERASMUS SMITH'S ENGLISH SCHOOL, TIPPERARY.

Rev. Denis HANAN, B.D., was sworn and examined.

Rev. David HUMPHREYS, O.C., was also sworn and examined.

The Commissioners adjourned.

Previous to the Public Sitting the Commissioners inspected the Grammar School.

GERALD FITZGERBON,

October 14, 1887.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

October 13, 1887.

PUBLIC SITTING.

Meeting of the Commission held this day at the Courthouse, Cashel.

Present:—Lord Justice FITZGERBON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Mr. C. Ryan, Shorthand Writer, was in attendance.

CASHEL CORPORATION NATIONAL SCHOOLS.

Very Rev. Dean Quirk, P.P., was sworn and examined.

ST. JOHN'S PAROCHIAL SCHOOL, CASHEL.

Rev. Brother Robert DUNN was sworn and examined.

Very Rev. A. H. Leech, Dean of Cashel, was also sworn and examined.

The Commissioners adjourned.

GERALD FITZGERBON,

October 14, 1887.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

October 14, 1887.

Meeting of the Commission held this day at the Imperial Hotel, Cork.

Present:—Lord Justice FITZGERBON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Minutes of the two preceding meetings read and confirmed.

Letter [Oct. 11] read from Rev. Canon Macnamara, asking to have a time fixed for the hearing of the case of the Rochelle Seminary.

To be informed that the case will be taken up at one o'clock on Monday, October 17, 1887.

Letters [Oct. 12] read from Mr. E. Flynn and Rev. Canon Wills, asking to have a time fixed for Rahan National School.

To be informed that the case will be taken up as soon after 12.30 p.m. on to-morrow, Saturday, as the other business in the list will permit.

Letter [Oct. 8] read from David T. Clancy, Town Clerk, Clonmel, asking information as to Linsennu School, Clonmel.

To be informed the only information the Commissioners possess on the subject is to be found in the Report of 1886, page 110, and the Report of 1880, p. 57-9.

Letter [Oct. 11] read from R. Barkla, Head Master, Physical Science Department of the Royal Belfast Academical Institution, requesting to be supplied with a copy of the Scheme proposed for signature by the Judicial Commissioners.

To be supplied with a copy of the Scheme as requested.

Letter [Oct. 10] read from Thomas Spanner, Esq., with regard to the Rockfield Institution, County Galway.

To be informed that the Commissioners have not yet arranged for taking up the cases of Endowments in the West of Ireland, but as soon as they do so they will give him due notice.

It was arranged that the case of St. Finn Barr's Seminary should be taken up at 12 o'clock on Monday, October 17, and that the evidence of Mr. Sanders, Agent over the Erasmus Smith's Southern Estates, should be taken at 2 o'clock on the same day.

The Commissioners adjourned.

GERALD FITZGIBSON,

October 15, 1887.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

October 14, 1887.

#### PUBLIC SITTING.

Meeting of the Commission held this day at the Court-house, Cork.

Present:—Lord Justice FITZGIBSON, Lord Justice NAIRN, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Mr. C. Ryan, Shorthand Writer, was in attendance.

Lord Justice FITZGIBSON made an introductory statement.

#### CHRISTIAN BROTHERS' SCHOOLS, CORK.

The following witnesses were sworn and examined:—

Rev. Brother J. D. Burke.

T. Mahony, Esq., J.P.

It was ruled:—That the Act does not apply to this endowment unless with the consent in writing of the Governing Body.

#### PRESENTATION BROTHERS' SCHOOLS, CORK.

Rev. Brother W. P. Shine was sworn and examined.

It was ruled:—That the Act does not apply to this endowment unless with the consent in writing of the Governing Body.

#### ST. STEPHEN'S BLUE COAT HOSPITAL.

James C. Samerville, Secretary, Agent, and Head Master, was sworn and examined.

The case was adjourned for the production of further evidence.

#### GREEN COAT HOSPITAL.

Mr. H. B. Colthurst (instructed by W. H. Corker) appeared on behalf of the Governing Body and made a statement.

The following witnesses were sworn and examined:—

W. J. Knight, M.D.

Thomas Hise Chillingworth, Esq.

Ven. Mervyn Archdall, D.D., Archbishop of Cork.

Ven. Henry Jellett, D.D., Archbishop of Clonmel, made a statement and was examined.

Rev. Dacre H. Powell sworn and examined.

#### ST. LUKE'S PAROCHIAL SCHOOLS.

Ven. Mervyn Archdall, D.D., Archbishop of Cork, was sworn and examined.

## ST. MART'S, SHANDON, PAROCHIAL SCHOOLS

Rev. Doct. H. Powell, was sworn and examined.

## ST. ANNE'S, SHANDON, PAROCHIAL SCHOOLS.

Rev. W. J. Galwey, LL.D., was sworn and examined.

The Commissioners adjourned.

During an adjournment the Commissioners inspected St. Stephen's Blue Coat Hospital.

GERALD FITZGIBSON,

October 15, 1887.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

October 15, 1887.

Meeting of the Commission held this day at the Imperial Hotel, Cork.

Present :—Lord Justice FITZGIBSON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Minutes of the two preceding meetings read and confirmed.

Letters read :—

Very Rev. the Dean of Derry [October 11], as to Craggan School.  
Rev. J. B. Reid enclosing drawings of part of Mungret College, Limerick.

Letter [Oct. 11] read from Rev. J. J. Sargent, asking to have a time fixed for the case of the Charleville Endowed School.

To be informed that the case will be taken up at two o'clock on Monday, October 17.

Letter [Oct. 12] read from R. H. Power, Lismore, as to the day of the sittings in Bandon.

To be informed that they will be held as fixed on October 18.

The Commissioners adjourned and proceeded to inspect the following Schools :—

High School for Girls.  
Cork Grammar School.  
St. Luke's Parochial Schools.  
The Green Coat Hospital.  
St. Mary's, Shandon, Parochial Schools.

JOHN NAISH,

October 17, 1887.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

October 16, 1887.

## PUBLIC SITTING.

Meeting of the Commission held this day at the Courthouse, Cork.

Present :—Lord Justice FITZGIBSON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Mr. C. Ryan, Shorthand Writer, was in attendance.

## ST. STEPHEN'S BLUE COAT HOSPITAL [adjourned case].

Rev. Canon T. E. Evans, sworn and examined.

Venerable Henry Jellett, D.D., Archdeacon of Cloyne, and Venerable Mervyn Archdall, D.D., Archdeacon of Cork, made statements and were examined.

The case was adjourned to give the Governing Body an opportunity of considering whether they will consent to be dealt with under the Act.

## ST. PETER'S PAROCHIAL SCHOOLS.

The following witnesses were sworn and examined:—

Rev. J. H. Thorpe, Rector of St. Peter's.  
Rev. Canon C. B. Harley, Rector of Christ Church.

## ST. FINN BARRÉ'S PAROCHIAL SCHOOLS.

Very Rev. S. O. Madden, D.D., Dean of Cork, was sworn and examined.

Lord Justice FITZGIBSON made a statement with regard to the Parochial Schools of Cork, the Blue Coat Hospital, and the Green Coat Hospital.

## GLOUNTANE SCHOOL, KILSHANNIG.

The following witnesses were sworn and examined:—

Rev. A. B. Wilson, A.M., Rector of Kilsheanig.  
J. A. R. Newman, Esq., D.L.

## RAHAN PAROCHIAL SCHOOL, MALLOW.

The following witnesses were sworn and examined:—

Rev. B. C. Wills, Rector of Mallow.  
H. A. Crough, Esq.  
Edmond Flynn, Esq.

## HIGH SCHOOL FOR GIRLS, SIDNEY PLACE.

The following witnesses were sworn and examined:—

Venerable Mervyn Archdall, D.D., Archbishop of Cork.  
Robert Gregg, Esq., Solicitor.  
Miss Harriet A. Martin, Head Mistress.

## CORK GRAMMAR SCHOOL.

Venerable Mervyn Archdall, D.D., Archbishop of Cork, was sworn and examined.

## CROFTON'S SCHOOL, CLONDROGHID, MACROOM.

Rev. Denis O'Sullivan, Rector of Macroom, was sworn and examined.

The Commissioners adjourned.

After the public sitting the Commissioners inspected the Munster Agricultural Dairy School.

JOHN NASH,

October 17, 1887.

N. D. Murphy, Junr.,  
Chief Clerk and Assistant Secretary.

October 16, 1887.

Meeting of the Commission held this evening at the Imperial Hotel, Cork.

Present:—Lord Justice FITZGIBSON, and Professor DOUGHERTY.

The Assistant Secretary was directed to communicate with the Secretary and Solicitor of Lapp's Charity, and the Solicitor of Broctridge's Charity, requesting their attendance with the necessary documents of foundation relating to each Charity respectively on Monday, October 17, at 11 o'clock.

The Commissioners adjourned.

JOHN NASH,

October 17, 1887.

N. D. Murphy, Junr.,  
Chief Clerk and Assistant Secretary.

October 17, 1887.

## PUBLIC SITTING.

Meeting of the Commission held this day at the Overhouse, Cork.

Present:—Lord Justice FITZGIBSON, Lord Justice NASH, Dr. TRAILL, Professor DOUGHERTY.

Mr. B. W. McDermott, Shorthand Writer, was in attendance.

## ST. NICOLAS' PAROCHIAL SCHOOLS.

Rev. Geo. Webster, D.D., Rector of St. Nicholas', was sworn and examined.

## ST. FINN BARR'S SEMINARY.

Rev. B. O'Mahony, D.D., was sworn and examined.

It was ruled:—That the Act does not apply to this Endowment unless with the consent in writing of the Governing Body.

A discussion took place between the Right Rev. Dr. Gregg, Bishop of Cork, and the Commissioners with regard to the Blue Coat Hospital and the Parochial Schools of Cork.

## LAPP'S CHARITY, WESTERN ROAD.

The Right Rev. Dr. Gregg, Bishop of Cork, and Joseph Bennett, Solicitor for the Charity, made statements and were examined.

## ROCHELLE GOVERNESSES' SEMINARY.

The following witnesses were sworn and examined:—

James Lane, Esq., Solicitor to the Governors.

Miss M. E. Whately, Secretary.

## CORK SCHOOL OF SCIENCE, ART, AND MUSIC.

W. K. Sullivan, Ph.D., President of Queen's College, Cork, and the Right Rev. Dr. Gregg, Bishop of Cork, made statements and were examined.

## MUNSTER AGRICULTURAL SCHOOL.

W. K. Sullivan, Ph.D., President of Queen's College, Cork, made a statement and was examined.

## BREITENBURG'S CHARITY.

The following witnesses were sworn and examined:—

J. H. Jermy, Esq., Solicitor to the Institution.

Rev. Dacre H. Powell, Rector of St. Anne's, Shandon.

The following made statements and were examined:—

Ven. Mervyn Archibald, D.D., Archbishop of Cork.

Rev. Geo. Webster, D.D.

W. Verling Gregg, Esq., Solicitor.

## ERASMUS SMITH'S SCHOOLS.

Thomas Sanders, Esq., J.P. Agent, was sworn and examined.

## CHARLEVILLE ENDOWED SCHOOL.

Thomas Sanders, Esq., J.P., and the Rev. J. J. Sargent, Rector of Charleville, were sworn and examined.

The Commissioners adjourned.

Previous to the public sitting the Commissioners inspected the Christian Brothers' Schools, Peacock-lane, the Schools under the management of the Sisters of Charity, Peacock-lane, and the Cork Schools of Science and Art. And after the public sitting the Commissioners inspected the Rochelle Governesses' Seminary.

JOHN NAISH,

October 17, 1887.

October 17, 1887.

Meeting of the Commission held this day at the Imperial Hotel, Cork.

Present:—Lord Justice FITZGERBON, Lord Justice NAISH, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the four preceding meetings read and confirmed.

Letters [Oct. 17] read from Sir James L. Cotter, Bart., as to Bahaun Parochial School.

The Assistant Secretary was directed to thank Sir James Cotter for his letters, and to inform him that no Scheme will be settled for the future government of the Endowment until an opportunity has been given him of seeing the proposed Scheme.

Letter [Oct. 15] read from Rev. C. Davis, P.P., with regard to the visit of the Commissioners to the Baltimore Industrial Fishing School.

The Assistant Secretary was directed to thank Father Davis for his kindness.

Letter [Oct. 17] read from Joseph Bennett, Solicitor, with regard to Lapp's Charity.

The Commissioners adjourned.

GERALD FITZGERBON,

October 22, 1887.

N. D. Murphy, Jun.,

Chief Clerk and Assistant Secretary.

October 18, 1887.

**PUBLIC SITTING.**

Meeting of the Commission held this day at the Courthouse, Bandon.

Present :—Lord Justice FITZGERSON, Lord Justice NASH, Dr. TRAILL, Professor DOUGHERTY.

Mr. B. W. McDermott, Shorthand Writer, was in attendance.

**BANDON ENDOWED SCHOOL.**

The following witnesses were sworn and examined :—

R. H. Power, Esq., Agent to the Duke of Devonshire.  
Thomas Roginski Courtney, Head Master.

**KILBROGAN PARISH SCHOOL (late ERASMUS SMITH'S).**

Rev. Benjamin C. Fawcett, and Rev. William C. Harpur, were sworn and examined.

**WATERGATE PLACE NATIONAL SCHOOLS.**

Rev. C. H. Cruikshank, and Richard Closs, Esq., J.P., were sworn and examined.

It was ruled :—That the Act does not apply to this endowment unless with the consent in writing of the Governing Body.

**BALLYMODAN GIRLS' INDUSTRIAL (now NATIONAL) SCHOOL, and BALLYMODAN PAROCHIAL NATIONAL SCHOOL (BOYS).**

The following witnesses were sworn and examined :—

Paul S. Battimer, Master.  
Miss Alice Bally.  
Mr. Macintyre.

**CURRAVARAHANE SCHOOL.**

Rev. J. R. Porte was sworn and examined.

**INNESHANNON SCHOOL (late ERASMUS SMITH'S).**

Rev. William Hanson was sworn and examined.

The Commissioners adjourned.

During the day the Commissioners inspected the Watergate Road National School, the Kilbrogan Parochial School (late Erasmus Smith's), Ballymodan Parochial School (Boys and Girls), Bandon Endowed School, and the Bandon Presbyterian School (National).

GERALD FITZGERSON,

October 22, 1887.

N. D. Murphy, Jun.,

Chief Clerk and Assistant Secretary.

October 19, 1887.

**PUBLIC SITTING.**

Meeting of the Commission held this day at the Courthouse, Kinsale.

Present :—Lord Justice FITZGERSON, Lord Justice NASH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Mr. B. W. McDermott, Shorthand Writer, was in attendance.

**KINSALE ENDOWED SCHOOL.**

The following witnesses were sworn and examined :—

Thomas Hogan, Chairman, Town Commissioners.  
James O'Neill, Esq.  
Very Rev. John Canon O'Leary, J.P.  
Rev. John L. Darling.  
Rev. Canon Daunt.  
W. H. Bird, Esq., J.P.

**CARMELITE CONVENT, KINSALE.**

Rev. Patrick Murphy was sworn and examined.

## ST. JOSEPH'S CONVENT SCHOOL (MRS. BURKE'S ENDOWMENT).

J. C. Blake, Esq., Solicitor, appeared on behalf of the Governing Body, and made a statement, and was examined.

It was ruled :—That the Act does not apply to this Endowment unless with the consent in writing of the Governing Body.

The Commissioners adjourned, and proceeded to inspect the Convent, National, and Industrial Schools, and the Kinsale Fishermen's Hall, and the Endowed Schools premises.

On their return to Cork the Commissioners inspected the Buckingham Place Free School.

GERALD FITZGIBSON,

October 22, 1887.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

October 20, 1887.

Meeting of the Commission held this day at the Bishop's House, Skibbereen.

Present :—Lord Justice FITZGIBSON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

## SKIBBEREEN NATIONAL AND INTERMEDIATE SCHOOLS.

Most Rev. Dr. FitzGerald, Bishop of Ross, made a statement, and was examined.

Edmund Hogan, Esq., M.A., was sworn and examined.

The Commissioners adjourned and inspected the schools.

GERALD FITZGIBSON,

October 22, 1887.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

October 20, 1887.

## PUBLIC SITTING.

Meeting of the Commission held this day at the Baltimore Industrial Fishery School.

Present :—Lord Justice FITZGIBSON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Mr. B. W. McDermott, Shorthand Writer, was in attendance.

## BALTIMORE FISHERY INDUSTRIAL SCHOOL.

There were present on behalf of the Governing Body, the Most Rev. Dr. FitzGerald, Bishop of Ross, Rev. C. Davis, F.P., and Joseph Carbery, Esq., J.P.

Rev. C. Davis, F.P., was sworn and examined.

Joseph Carbery, Esq., J.P., was examined.

## TULLAGH PAROCHIAL SCHOOL.

Rev. Jonas Jones was sworn and examined.

The Commissioners adjourned.

Previous to the Public Sitting the Commissioners inspected the School.

GERALD FITZGIBSON,

October 22, 1887.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

October 21, 1887.

PUBLIC SITTING.

Meeting of the Commission held this day at the College, Midleton.

Present :—Lord Justice FITZGERDON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Mr. B. W. McDermott, Shorthand Writer, was in attendance.

MIDLETON COLLEGE.

The following witnesses were sworn and examined :—

A. A. Bard, Esq., M.A., Head Master.  
Rev. Thomas Moore, LL.D.

The Commissioners adjourned.

Previous to the Public Sitting the Commissioners inspected the College.

GERALD FITZGERDON,  
October 22, 1887.

N. D. Murphy, Junr.,  
Chief Clerk and Assistant Secretary.

October 21, 1887.

PUBLIC SITTING.

Meeting of the Commission held this day at the Endowed School, Clonae.

Present :—Lord Justice FITZGERDON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Mr. B. W. McDermott, Shorthand Writer, was in attendance.

BISHOP CROWE'S ENDOWED SCHOOL.

The following witnesses were sworn and examined :—

J. E. Morford, Esq., Head Master.  
Michael Greene, Esq.  
Rev. Thomas Moore, LL.D.  
Rev. A. Jackson Nicholas.  
Very Rev. H. T. Fleming, Dean of Clonae.

ACHADA NATIONAL SCHOOL (BOCHE'S ENDOWMENT).

John McEvoy was sworn and examined.

The Commissioners adjourned.

Previous to the Public Sitting the Commissioners inspected Bishop Crowe's Endowed School.

GERALD FITZGERDON,  
October 22, 1887.

N. D. Murphy, Junr.,  
Chief Clerk and Assistant Secretary.

October 22, 1887.

Meeting of the Commission held this day at the Imperial Hotel, Cork.

Present :—Lord Justice FITZGERDON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Minutes of the seven preceding meetings read and confirmed.

Letters were read from Drummond Grant, Hon. Secretary, and T. G. Houston, Head Master of Coleraine Academical Institution, with regard to the Scheme proposed to be signed by the Judicial Commissioners, and were noted for the preparation of the Scheme.

The Commissioners adjourned.

Previous to the meeting the Commissioners inspected the Queen's College, Cork.

JOHN NAISH,  
October 25, 1887.

N. D. Murphy, Junr.,  
Chief Clerk and Assistant Secretary.

October 22, 1887.  
PUBLIC SITTING.

Meeting of the Commission held this day at the Mall House, Youghal.

Present:—Lord Justice FITZGIBSON, Lord Justice NAISH, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Mr. B. W. McDermott, Shorthand Writer, was in attendance.

YOUGHAL ENDOWED SCHOOL.

The following witnesses were sworn and examined:—

Matthew John Porteus, Esq., Head Master.  
Rev. Canon Jones, Incumbent of Youghal.  
R. H. Power, Esq., Agent to the Duke of Devonshire.  
Very Rev. Canon Keller, F.R.  
Dr. C. Rosayne, J.P.

CHRISTIAN BROTHERS' SCHOOLS.

Rev. Brother V. Harold was sworn and examined.

CONVENT NATIONAL SCHOOL.

Very Rev. Canon Keller, F.R., was sworn and examined.

The Commissioners adjourned and inspected the Youghal Endowed School.

JOHN NAISH,

October 25, 1887.

N. D. Murphy, Junr.,  
Chief Clerk and Assistant Secretary.

October 24, 1887.  
PUBLIC SITTING.

Meeting of the Commission held this day at the Courthouse, Fermoy.

Present:—Lord Justice FITZGIBSON, Lord Justice NAISH, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Mr. H. C. Hughes, Shorthand Writer, was in attendance.

ST. COLMAN'S COLLEGE, FERMOY.

Very Rev. W. Hutch, D.D., President, was sworn and examined.

It was ruled:—That the Act does not apply to this Endowment unless with the consent in writing of the Governing Body.

AKERN AND BRITWAY SCHOOL.

Rev John W. Hopkins was sworn and examined.

ADAIR NATIONAL SCHOOLS.

Rev. Canon Warren, Incumbent of Fermoy, was sworn and examined.

FERMOY COLLEGE.

Michael Bourke was sworn and examined.

Rev. P. T. O'Callaghan was sworn and examined generally with regard to Primary Education in the District.

The Commissioners adjourned.

Previous to the Public Sitting the Commissioners visited St. Colman's College, Fermoy, the Christian Brothers' Schools, Fermoy College, and the Adair National Schools.

JOHN NAISH,

October 25, 1887.

N. D. Murphy, Junr.,  
Chief Clerk and Assistant Secretary.

October 24, 1887.

## PUBLIC SITTING.

Meeting of the Commissioners held this day at the Courthouse, Lismore.

Present :—Lord Justice FITZGERDON, Lord Justice NAISH, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Mr. H. C. Hughes, Shorthand Writer, was in attendance.

## LISMORE ENDOWED SCHOOL.

The following witnesses were sworn and examined :—

R. H. Fower, Esq., Agent to the Duke of Devonshire.

W. Wright, Esq., M.D.

Very Rev. Henry Broughan, D.D., Dean of Lismore.

Rev. John McKeown, Presbyterian Minister of Lismore.

The Commissioners adjourned and inspected Lismore College, Christian Brothers' School, and the Lismore Parochial Schools.

JOHN NAISH,

October 25, 1887.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

October 25, 1887.

Meeting of the Commissioners held this day at Hearn's Hotel, Clonmel.

Present :—Lord Justice FITZGERDON, Lord Justice NAISH, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the four preceding meetings read and confirmed.

Letter read from the Head Masters, Royal Belfast Academical Institution, with regard to the Scheme about to be framed for that Endowment.

To be informed that the typographical amendment suggested by them in section 4, paragraph 2, will be made.

Letters were also read from the Rev. J. Heron and the Board of Managers and Visitors, with regard to same Scheme.

Rev. Mr. Heron to be informed that the Commissioners do not think it desirable at this late period to introduce any change into the Draft Scheme, especially as admission to Class II. can be obtained for five guineas under the Scheme as it now stands.

Letter read from J. L. Mackery, Head Master of the Waterford Diocesan School.

To be informed that his evidence will be taken at 3 o'clock on Thursday, October 27.

Letter read from Rev. T. Ferris, R.P., Cuthblyons, with regard to Abarn and Britway School.

To be informed that the inquiries which he suggested have been made, and that the Commissioners have ascertained that this Endowment consisted only of a site and building for the education of pupils to be selected by the minister and churchwardens of the parish.

Letter read from Messrs. Maxwell, Weldon, and Co., Solicitors, with regard to Kilkenny College.

To be informed that the Commissioners have no farther information as to the original grant referred to, beyond what appears in the Report of 1854 and 1880, but that at the Public Inquiry the Commissioners will endeavour to ascertain the terms, and if possible to obtain a copy thereof.

Letter read from Rev. D. Humphreys, C.C., with regard to the Erasmus Smith's Endowments.

To be informed that the Commissioners have already held a Public Inquiry in Dublin with regard to this Endowment, at which the Catholic body were represented by counsel, and that they will be glad to receive any observations which he may desire to submit in writing, which will be carefully considered before the preparation of a Draft Scheme for the Endowment referred to.

The Commissioners adjourned.

GERALD FITZGERDON,

October 26, 1887.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

October 26, 1887.

## PUBLIC SITTING.

Meeting of the Commission held this day at the Courthouse, Clonmel.

Present :—Lord Justice FITZGERDON, Lord Justice NAISH, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting read and confirmed.

Mr. H. C. Hughes, Shorthand Writer, was in attendance.

## CLONMEL ENDOWED GRAMMAR SCHOOL.

The following witnesses were sworn and examined :—

Rev. M. Le B. Kennedy, M.A., Head Master.  
 Rev. Latham C. Warren, Incumbent of Clonmel.  
 Gerald FitzGerald, Esq.

## CLONMEL CHARITABLE SCHOOL.

Rev. Latham C. Warren, Incumbent of Clonmel, was sworn and examined.

## CLONMEL INCORPORATED SOCIETY SCHOOL.

Rev. Latham C. Warren, Incumbent of Clonmel, was sworn and examined.

## ROCKWELL COLLEGE, CAHR.

Very Rev. P. Gosport, President, was sworn and examined.

It was ruled :—That the Act does not apply to this Endowment unless with the consent in writing of the Governing Body.

## CHRISTIAN BROTHERS' SCHOOLS, CLONMEL.

Rev. Brother P. J. White was sworn and examined.

It was ruled :—That the Act does not apply to this Endowment unless with the consent in writing of the Governing Body.

This day the Commissioners visited the Clonmel Endowed School, Clonmel Charitable School, Incorporated Society School (now St. Mary's Parochial), and the Christian Brothers' Schools.

GERALD FITZGERDON,

October 27, 1887.

N. D. Murphy, Junr.,  
 Chief Clerk and Assistant Secretary.

October 27, 1887.

## PUBLIC SITTING.

Meeting of the Commission held this day at the Courthouse, Waterford.

Present :—Lord Justice FITZGERDON, Lord Justice NAISH, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Mr. H. C. Hughes, Shorthand Writer, was in attendance.

## BISHOP FOT'S CHARITY, WATERFORD.

The following witnesses were sworn and examined :—

Right Rev. M. F. Day, D.D., Bishop of Cashel, Emly, Waterford, and Lismore.  
 Charles Langley, Esq., J.P., Agent of the Estates.

## WATERFORD DIOCESAN SCHOOL.

Right Rev. M. F. Day, D.D., Bishop of Cashel, Emly, Waterford, and Lismore, was sworn and examined.

It was ruled :—That the Act did not apply to this Endowment unless with the written consent of the Governing Body.

## CHRISTIAN BROTHERS' SCHOOLS, WATERFORD.

Rev. Brother James C. Frawley was sworn and examined.

It was ruled:—That the Act does not apply to this Endowment unless with the consent in writing of the Governing Body.

## FRIENDS' PROVINCIAL SCHOOL.

Edward Garnett, Head Master, sworn and examined.

It was ruled:—That the Act does not apply to this Endowment unless with the consent in writing of the Governing Body.

## MASON CHARITY BLUE SCHOOL.

The following witnesses were sworn and examined:—

Captain Richard Clayton Carew, J.P.  
Mrs. Armon, Mistress.

## PROTESTANT ORPHAN SCHOOL.

The following witnesses were sworn and examined:—

Richard G. Ridgway, Esq., Hon. Secretary.  
John Strangman, Esq., Hon. Treasurer.

The Commissioners adjourned.

Previous to the Public Sitting the Commissioners visited Bishop Foy's School.

GERALD FITZGIBSON,

October 28, 1887.

N. D. Murphy, Junr.,  
Chief Clerk and Assistant Secretary.

October 28, 1887.

## PUBLIC SITTING.

Meeting of the Commission held this day at the Courthouse, Waterford.

Present:—Lord Justice FITZGIBSON, Lord Justice NAIRN, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting read and confirmed.

Mr. H. C. Hughes, Shorthand Writer, was in attendance.

## ALCOCK'S APPRENTICESHIP ENDOWMENT FOR PUPILS OF THE MASON BLUE SCHOOL.

Right Rev. M. F. Day, D.D., Bishop of Cashel, Emly, Waterford, and Lismore, was sworn and examined.

## SCHOOL OF INDUSTRY, LADY LANE.

The following witnesses were sworn and examined:—

Thomas Smith Harvey, Esq., Trustee.  
Mrs. Day, Member of Managing Committee.  
Miss Barton, Member of Managing Committee.

## STEPHEN-STREET CORPORATION FREE GRAMMAR SCHOOL.

J. Howard, Esq., Town Clerk, was sworn and examined.

## SCHOOL UNDER THE CHARGE OF LES FRERES DES ECOLES CHRETIENNES (FORMERLY WATERFORD DIOCESAN SCHOOL).

Very Rev. Joseph A. Phelan, President, St. John's College, was sworn and examined.

The Commissioners adjourned, and visited the Mason Blue School, the Schools under the charge of Les Freres des Ecoles Chretiennes, the Christian Brothers' Schools, St. John's College, the Industrial School, Lady-lane, and the Waterford Model School.

GERALD FITZGIBSON,

October 29, 1887.

N. D. Murphy, Junr.,  
Chief Clerk and Assistant Secretary.

October 29, 1887.

## PUBLIC SITTING.

Meeting of the Commission held this day at the Courthouse, Kilkenny.

Present:—Lord Justice FITZGIBSON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting read and confirmed.

Mr. H. C. Hughes, Shorthand Writer, was in attendance.

## KILKENNY COLLEGE.

G. D. Burichsall, Esq. (instructed by James Fox, Solicitor), appeared on behalf of the Governing Body, and made a statement.

The following witnesses were sworn and examined:—

Right Rev. Wm. P. Walsh, D.D., Bishop of Ossory.

James Maxwell Weir, Head Master.

D. H. Craighton, Esq.

The following witnesses made statements:—

Most Rev. Dr. Brownrigg, Bishop of Ossory.

Very Rev. Thomas Hare, D.D., Dean of Ossory.

James Robertson, Esq.

Very Rev. M. Barry, President, St. Kieran's College.

## POCOCKE INSTITUTION.

J. Blair Browne, Esq., Head Master, was sworn and examined.

Most Rev. Dr. Brownrigg, Bishop of Ossory, made a statement.

## KILKENNY SUBSCRIPTION SCHOOL.

Very Rev. Thomas Hare, D.D., Dean of Ossory, was sworn and examined.

## KILKENNY, CHAPEL-LANE, SCHOOLS.

Most Rev. Dr. Brownrigg, Bishop of Ossory, was sworn and examined.

It was ruled:—That the Act does not apply to this Endowment unless with the consent in writing of the Governing Body.

## ST. KIERAN'S COLLEGE, KILKENNY.

Very Rev. M. Barry, President, was sworn and examined.

## THOMASTOWN PAROCHIAL SCHOOL.

Ven. W. C. Gorman, Archdeacon of Ossory, was sworn and examined.

The Commissioners adjourned.

Previous to the Public Sitting the Commissioners visited the Pockocke Institution, Kilkenny College, Kilkenny Subscription School, Kilkenny Model National School, and St. Kieran's College.

GERALD FITZGIBSON,

November 1, 1887.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

October 31, 1887.

Meeting of the Commission held this day at their Office, 28, Nassau-street, Dublin.

Present:—Lord Justice FITZGIBSON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Minutes of the meeting of October 7, read and confirmed.

Letters read:—

The Clerk of the Privy Council (October 11), enclosing copies of *Sabanes Nos. 6, 7, 8, 10*, finally approved.

Brother R. J. Pronderville (October 16), as to the Christian Schools, Charleville.

Rev. T. M. Hamill (October 13), as to *Lurgan Ragged School*.Rev. M. Ahern, F.R., enclosing deeds and documents relating to *Crofton's Endowed School*, Maroon.The Town Clerk of Kinsale (October 19), as to *Kinsale Endowed School*.

James Henry, Solicitor (October 14), enclosing extracts from wills re Mary's-abbey Schools, Dublin.

Thomas Sanders, Agent for the Erasmus Smith Board (October 23), enclosing abstract of accounts and rentals of the estates belonging to that Board.

Henry Davis (October 25), enclosing returns as to the Parochial Schools in the Diocese of Tuam.

Letter from Sir Stephen E. De Vere, Bart., as to Mungret College, Limerick, submitted by Lord Justice FitzGibbon.

To be informed that a Draft Scheme for that Endowment will be undertaken with the least possible delay.

Letter read from G. M. McGuey, Esq., as to the Scheme for the Tullyvin and Benbawn Schools, Co. Cavan.

To be informed that the objections received to the Draft Scheme published, must be considered before the Scheme can be signed by the Judicial Commissioners.

Letter (October 28), read from the Secretary, Treasury, returning the account for advertising the publication of Draft Schemes.

Letter, as drafted, ordered to be sent.

On the consideration of the Scheme for the Royal Belfast Academical Institution, the Secretary was directed to write, in terms as drafted, to the President of the Board of Masters and to the Secretary of the Joint Board of Managers and Visitors as to the objection of the Presbyterian Proprietors of the Institution with regard to qualifications of subscribers, &c.

A list of Endowments was submitted, and directions were given for the preparation of Draft Schemes for the same.

The Secretary was directed to write with regard to the delay in returning the shorthand notes at the October sittings.

The Commissioners adjourned.

JOHN NASH,

November 5, 1887.

Wm. Edward Ellis, Secretary.

November 1, 1887.

#### PUBLIC SITTING.

Meeting of the Commission held this day at the Nicholson Memorial School-house, Lisburn.

Present:—Lord Justice FITZGERDON, Lord Justice NASH, Rev. Dr. MOLLOY,  
Dr. TRAILL.

Minutes of the meeting of October 29, read and confirmed.

Mr. John McBride, Shorthand Writer, was in attendance.

#### NICHOLSON MEMORIAL SCHOOL.

This was a sitting with regard to the objections lodged against the Draft Scheme, published for this endowment.

The following witnesses were sworn and examined:—

Rev. A. J. Moore, Incumbent of Christ Church.

Right Rev. Dr. Reeves, Bishop of Down, Connor, and Dromore.

John Reddy, Esq.

James Beggs, Esq.

The following made statements and were examined:—

Rev. John H. Seymour, Incumbent of Newcastle, county Down.

Rev. W. Dawson Foxenden, Incumbent of Lisburn.

The Commissioners adjourned.

GERALD FITZGERDON,

November 5, 1887.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

November 5, 1887.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGIBBON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read:—

Rev. James Dowd (October 31), enclosing documents relating to Loumy's School, Limerick.

Rev. D. O'Sullivan (November 2), as to Marreeon Parochial School.

Rev. William J. Clarke (November 2), enclosing Draft Scheme prepared by him for Villiers Schools, Limerick.

The Secretary, Joint Board of Managers and Visitors (November 3); and the President of the Board of Masters; as to the Scheme for the Royal Belfast Academical Institution.

The Secretary, Charity Commission, England, as to the clauses regarding the dismissal of Head Masters inserted in English Schemes.

Rev. W. Prior Moore, Royal School, Cavan (November 3), as to his vested interests.

The Clerk of the Privy Council (November 4), sending notice of first publication of the Schemes, Nos. 11, 12, 13, 14, 16, 17, 19, 20, and 25.

Letter (November 1), read from the Town Clerk of Dublin asking when would the Commissioners resume their inquiry into the Royal Irish Academy of Music, and the Coulson Bequest.

To be informed that the Commissioners have appointed a sitting to be held at the Office, on Saturday, November 26.

The Secretary was directed to send notice of the above sitting to all persons interested, and to have same advertised in the Dublin newspapers.

Letter (October 31), read from Rev. L. C. Warren, as to the Clonmel Parochial School, county Tipperary.

To be informed of any particulars contained in previous reports as to the school.

Letter (November 1), read from Rev. Robert F. Clarke, as to Brinsay Parochial School, county Cork.

To be requested to send the Commissioners the deed referred to in his letter.

Letter (November 2), read from Charles E. D. Black, Secretary, Royal Commission on the Deaf and Dumb and Blind, &c., asking for any evidence taken by the Commissioners with regard to institutions for the Deaf and Dumb and the Blind in Ireland.

ORDERED.—That the evidence asked for be sent, together with copies of the Schemes framed for the Claremont Institution, Co. Dublin, and the Ulster Society, Belfast.

Letter (October 31), read from Dr. Laffan, enclosing a statement supplementing his evidence.

ORDERED.—That Dr. Laffan's statement be printed, with his evidence, in the Report for the year 1887-8.

The Secretary was directed to write to Sir James P. Corry, Bart., M.P., informing him of the result of the inquiries from the English Charity Commissioners as to the provision in English Schemes for the dismissal of head masters.

The Draft Report for the year ending September 30, 1887, was considered and amended.

The Commissioners adjourned.

JOHN NAISH,

November 11, 1887.

Wm. Edward Ellis, Secretary.

November 9, 1887.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGIBBON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL.

Letter (November 9) read from Mr. A. K. McEntire as to transferring the Government Stock in the Bank of Ireland mentioned in the Schedule of the Ormeau-quay Scheme to the new Governing Body incorporated by said Scheme.

ORDERED.—That the Secretary write to the Secretary, Bank of Ireland, in terms as drafted, enclosing him a copy of Mr. McEntire's letter and of the Scheme as finally approved; also to send Mr. McEntire a copy of the letter as written to the Secretary, Bank of Ireland.

The Draft Report for the year ending September 30, 1887, was considered and amended.

The Commissioners adjourned.

JOHN NAISH,

November 11, 1887.

Wm. Edward Ellis, Secretary.

November 11, 1887.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGERSON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL.

Minutes of the two preceding meetings read and confirmed.

Letter (Nov. 5) read from the Secretaries, Commissioners of Charitable Donations and Bequests, as to the power of the Educational Endowments Commission to define in each Scheme those by whom application for its alteration may be made.

The Draft Report for the year ending September 30, 1887, was farther considered and amended.

The Commissioners adjourned.

GERALD FITZGERSON,

November 12, 1887.

Wm. Edward Ellis, Secretary.

November 12, 1887.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGERSON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read—

The Secretary, Joint Board of Managers and Visitors of the Royal Belfast Academical Institution as to the Scheme for that Institution.

Rev. Canon Gregg, Limerick (Nov. 11) as to Roxboro' Road School, Limerick.

Letter read from Rev. James Dowd, Diocesan Secretary, Limerick, as to mode of procedure to be adopted for vesting schools in diocesan or other trustees.

A reply, as drafted, ordered to be sent.

Letter (Nov. 8) read from Rev. R. F. Clarke, enclosing Deed relating to Brimny Parochial Endowment.

A reply, as drafted, together with copies of the Schemes for Craggan School and for the Raheny and Coolock Parochial Schools, ordered to be sent.

Letter (Nov. 5) read from Robert Steen, asking that the same privilege as past pupils of the Royal Belfast Academical Institution to become members of Class II. on payment of £5, may be extended to the Head Masters and Assistant Masters.

To be inferred that the Commissioners regret that at this late stage they cannot open questions with reference to the Scheme which have not been previously suggested, especially as a new principle would appear to be introduced by his proposal.

Letter (Nov. 11) read from Rev. W. Hanlon as to the Annesley Trust for Innishannon Parish administered by the Incorporated Society.

To be informed that the Scheme for the management of the Incorporated Society which appears to include the property in question, will be sent to him in due course; and that he will have the opportunity of calling attention to any trusts which he may think still affect it with a view to their preservation.

The Draft Report for the year ending Sept. 30, 1887, was adopted and signed subject to an observation at foot by Dr. Traill.

The Commissioners adjourned.

JOHN NAISH,

November 17, 1887.

Wm. Edward Ellis, Secretary.

*November 17, 1887.*

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present :—Lord Justice FITZGIBSON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letters read :—

W. J. Knight, M.D. (Nov. 14), enclosing statement as to Green Coat Hospital, Cork.  
Francis A. Tydd, Esq. (Nov. 16), enclosing resolutions adopted at a meeting as to Clonsilla  
Endowed School.

Letter (Nov. 15) read from Rev. Thomas Browne, F.R., as to school buildings on premises  
belonging to Mungret College, Limerick.

Further inquiry with reference to the buildings was directed to be made.

The heads of a Scheme for Mungret College, Limerick, were considered and amended.

The Secretary was directed to write to the Treasury stating that the Commissioners find  
it essential for the preparation of a Scheme to have an official valuation of the portion of the  
property representing public outlay and requesting authority to employ a qualified person to  
make that valuation.

Instructions were given to the Assistant Secretary as to preparing the Report for press.

The Commissioners adjourned.

JOHN NAISH,  
November 19, 1887.

Wm. Edward Ellis, Secretary.

*November 19, 1887.*

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present :—Lord Justice FITZGIBSON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letter (Nov. 19) read from Rev. David Wilson, D.D., and Rev. Wm. J. Clarke, trustees  
of the Villiers' Charities, Limerick.

To be informed that their letter will receive careful consideration when the Draft Scheme  
for the Villiers' Endowment comes to be settled.

Letter (Nov. 17) read from James M. Weir, Esq., M.A., as to Kilkenny College.

To be informed that his letter, if he desires it, shall be inserted in the Report of the Com-  
missioners as an appendix to his evidence.

Letters (Nov. 18) read from the Secretaries, Commissioners of Charitable Dona-  
tions and Bequests, as to the Draft Scheme for the Bertrand Female Orphan School,  
Dublin, and as to the "Alteration Clause" in the other Schemes published by the  
Commissioners.

To be informed in reply to their letter relating to the Bertrand Charity that it is the  
intention of the Commissioners to hold a public sitting to consider the objections and amend-  
ments proposed with respect to the Draft Scheme published, and that due notice will be sent  
them of the time appointed for the sitting.

The Secretary was directed to write to the Secretary of the Educational Endowments  
(Scotland) Commission with respect to the provision, in Schemes framed by his Com-  
missioners, for their future alteration.

The case for the value of the Mungret College premises was submitted and approved,  
and it was ordered:—

That when Treasury authority shall have been received, six copies be made—one for the  
valuer, one for Lord Enly, one for the trustees (Mr. Barry), one for the office, and one for the  
Very Rev. Wm. Roman, M.A., Milltown Park, Dublin, the copy to be sent to Rev. Mr. Roman  
as the first name in the lease.

The Draft Scheme for the Royal School Endowments was considered and amended.

Instructions were given to the Assistant Secretary as to preparing the Report for  
press.

The Commissioners adjourned.

JOHN NAISH,  
November 22, 1887.

Wm. Edward Ellis, Secretary.

November 23, 1887.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGERBON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letters read:—

The Clerk of the Privy Council (Nov. 21), fixing the hearing of the objections to the Scheme for the Marpan's and Mercer's Schools for November 30.

David H. Cruighton, Kilkenny (Nov. 21), as to the number of pupils attending his school.

The Secretary, Educational Endowments (Scotland) Commission (Nov. 22), as to the clause in Schemes framed by his Commissioners for their future alteration.

Letter (Nov. 22), read from the Secretary of the Treasury stating that the Commissioners' letter with regard to the valuation of Munster College premises should be addressed to the Chief Secretary and not to the Treasury.

Letter directed to be sent to Chief Secretary accordingly.

The Draft Scheme for the Royal Schools Endowments was considered.

Instructions were given to the Secretary to apply in form as drafted for names of members for the Roman Catholic Local Boards to be inserted in the Scheme:—

To the Archbishop of Armagh with reference to the Armagh and Tyrone Districts (a copy of the application being sent to the Coadjutor Bishop of Armagh).

To the Bishop of Clogher with reference to the Fermanagh District.

To the Vicar Capitular of the Diocese of Kilmore (the See being now vacant) with reference to the Cavan District.

To the Vicar Capitular of the Diocese of Raphoe (the See being now vacant) with reference to the Donegal District.

The Commissioners adjourned.

GERALD FITZGERBON,

November 26, 1887.

Wm. Edward Ellis, Secretary.

November 26, 1887.

#### PUBLIC SITTING.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGERBON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Mr. George K. Magee, Shorthand Writer, was in attendance.

#### ROYAL IRISH ACADEMY OF MUSIC AND COULSON BEQUEST.

On the hearing of this case, the Academy was represented by:—

Sir Francis Brady, Bart., Q.C.

Sir Thomas Jones, B.A., LL.B.

Sir Robert P. Stewart, M.D.

T. B. G. Joad, Esq., M.D.

George Ores, Esq.

Dr. D. B. Dunne.

Henry S. Macredy, Esq.

The executors of Miss Coulson's Will by G. Walker, Esq., and James W. Drury, Esq.

The Commissioners of Charitable Donations and Bequests by Mr. S. Rountz (instructed by Sir P. Maxwell).

The Corporation of Dublin by:—

Right Hon. The Lord Mayor.

Alderman V. B. Dillon, Solicitor.

J. F. Beveridge, Esq., Town Clerk.

Sir George B. Ovens.

Robert Sexton, Esq.

Joseph Smith, Esq., Mus.D., and E. Houghton, Esq., members of the Musical Profession, were also present.

Lord Justice FITZGIBBON made a statement.

Mr. S. Roman made a statement.

The following witnesses made statements —

Alderman V. B. Dillon.  
Sir Francis Brady, Bart., &c.  
Joseph Smith, Esq., Mus.D.

#### PRIVATE MEETING.

Minutes of the preceding meeting read and confirmed.

Letter (Nov. 23), read from James M. Weir, M.A., Head Master, Kilkenny College.

Letter (Nov. 23), read from Rev. W. H. Hutchinson, LL.D., Hon. Sec., Diocesan Council of Kilmore, as to the Governing Body proposed in the Scheme for the Tullyvin and Benbawn Schools.

Letter, as drafted, directed to be sent.

Letter (Nov. 23), read from Venerable the Archdeacon of Cloyne, as to an endowment belonging to Aghetin Parochial School.

To be informed that the Commissioners hope to be able to draft a scheme dealing with the above endowment either separately or in conjunction with other endowments in the same Diocese.

Letter (Nov. 24), read from the Under Secretary, Dublin Castle, stating that the Lord Lieutenant will arrange that the Commissioner of Valuation is to undertake the official valuation of the Mungret College premises.

Letter, as drafted, directed to be sent.

Letters (Nov. 24) read from the Secretaries, Commissioners of Charitable Donations and Bequests, and (Nov. 25) from the Clerk of the Privy Council, stating that the Commissioners of Charitable Donations and Bequests have lodged an objection to the Clause in the Scheme for the Morgan's and Morcer's Schools relating to its future alteration.

The Secretary was directed to send the following letter addressed to the Under Secretary, Dublin Castle:—

In compliance with your letter of this day's date, I am directed by the Educational Endowments Commissioners to submit the following observations upon the objection now lodged by the Commissioners of Charitable Donations and Bequests to Clause 22 of the Scheme for the future government and management of Morgan's School and Morcer's School.

The question involved in this objection is of great and general importance to the working of the Educational Endowments Act; it applies not only to the present scheme, but to all those already approved or in course of preparation, and if now finally decided in the case of Morgan's and Morcer's Schools, in which the objection has been brought forward long after the expiration of the time fixed by section 24, the ruling will affect many other schemes in which the parties interested have not received notice that the question is under discussion.

The Commissioners desire, on their part, respectfully to submit the following considerations to the Lord Lieutenant in Council in favour of the clause as it stands.

The section upon which the question arises enacts that "In any scheme the Commissioners may provide for the alteration of the scheme from time to time by the Commissioners of Charitable Donations and Bequests for Ireland, upon application made by the Governing Body or any party interested; provided such alteration shall not be contrary to anything contained in the Act;" other sections (secs. 14, 15, 16, 17) enact that "in every Scheme the Commissioners shall provide" for certain other matters.

The Commissioners submit that the insertion of a clause, under section 18, for the future alteration of the scheme is, in each case, discretionary with them, but as the schemes when approved by the Lord Lieutenant in Council (sec. 27) "have effect in the same manner as if enacted in the Act," and (sec. 29) "cannot be questioned in any legal proceedings whatsoever," it would seem that recourse to Parliament would be necessary to effect any change, unless a power of alteration be inserted. It is therefore most desirable to insert such a provision in every case. On the other hand, if it were left open to every person claiming to have any interest in an Endowment to apply, from time to time, to the Commissioners of Charitable Donations and Bequests for alteration of the scheme, its permanent character would be seriously impaired, and the governing bodies created under the Act would be exposed to the risk of constant interference.

After full consideration the Judicial Commissioners came to the opinion that, upon the true construction of the Act, they had the discretion to omit the provision for alteration altogether, or, where it was inserted, to limit the power of application to the Governing Body, or to define the party or parties interested who might apply; they now submit that they are not bound, if they insert the provision at all, to empower not only the Governing Body, but every other party interested in the scheme, to apply for its alteration.

They have hitherto acted upon this opinion in every instance, and all the schemes already finally approved by the Lord Lieutenant in Council have been framed upon the assumption that it is correct.

The following Table shows the provision limiting the power of application in each of the eight schemes which have been finally approved, and which are now in full operation. It will be observed that each scheme was framed with special regard to the circumstances of the Endowment.

No. of Scheme.	Endowment.	Made of application for alteration of Scheme.	No. of Alteration Cases.
1	Sevenoaks Borough Schools, - -	Application of Governors of either school in any matter relating to such school; or joint application of Governors of both schools in any matter whatsoever.	32
2	Church of Ireland Training College, -	Application of Governors or of General Synod, -	29
4	Methodist Female Orphan School, -	Application of Governors or of Methodist Conference, -	32
5	Hibernia and Goodrich Parochial Schools, -	Application of Governors or of General Synod, -	38
6	Ormond-quay Presbyterian Church Endowment, Dublin, -	Application of Governors by resolution passed at two successive special meetings, with the sanction of the General Assembly.	34
7	Stanhope-street Schools, Belfast, -	Application of Governors, -	38
9	St. Patrick's Cathedral Schools, Dublin, -	Application of Governors or of General Synod, -	25
10	Alexandra College and School, Dublin, -	Application of the Council of the College, -	40

In several most important instances of Endowments to which the Act does not apply (section 7) without the consent of the Governing Body, that consent has been given, upon the understanding that the power of applying to alter the scheme may be defined in the same manner as in the schemes already finally approved. In the case of the Ormond-quay Presbyterian Church Endowment, the Governing Body insisted, as a condition of giving their consent, that no alteration should take place except upon the application of the Governors by resolution passed at two successive meetings, with the sanction of the General Assembly, and in the instance of the Magoo Presbyterian College, Londonderry, the Methodist College, Belfast, the Alexandra College, Dublin, and other large institutions, it was pointed out that the power of applying to alter the scheme could not be left open to every professor, master, and other person interested. It is the distinct opinion of the Commissioners, founded upon their experience and upon the evidence given before them, that it would seriously imperil the efficient operation of the schemes framed under the Act, if the power of applying for alterations were extended indiscriminately to all parties interested in the Endowments.

They are also aware that the Governing Bodies of denominational institutions at present seeking the advantages of the Act would strongly object to any such provision.

Though provision is made for securing the continued efficiency of each scheme, in the constitution of the Governing Bodies, by the appointment of an Inspector by the Lord Lieutenant, and by public audit, the Commissioners quite feel the importance of conferring the power of application to alter the scheme upon some other body as well as upon the Governing Body; accordingly, in the case of Morgan's and Mercer's Schools, they have proposed to give this power to the General Synod and to the Diocesan Council, as representing the supreme authority of the religious denomination to which the Endowment belongs, and they trust that this provision will commend itself to the Lord Lieutenant in Council as sufficient to attain the objects of the eighteenth section of the Act.

The Draft Scheme for the Royal Schools Endowments was considered.

Instructions were given to the Secretary to apply in form as drafted for names of members for the Local Protestant Boards to be inserted in the Scheme:—

To the Rev. W. Todd Martin, Convener, Intermediate Education Committee of the Presbyterian Church in Ireland, with reference to the Presbyterian representatives on the several Local Boards.

To the Secretaries of the Diocesan Councils of Arragh, Clogher, Derry and Raphoe, and Kilmore, with reference to their proposed representatives on the several Local Boards. (A copy of the letter being sent in each case to the Bishop of the Diocese).

To the Secretary of the Methodist Conference with reference to the representative of the Methodist Conference on the Farnham Local Board.

To the Rev. A. R. Burton, M.A., Rector of Cavan, with reference to the representatives of Cavan Select Vestry upon the Cavan Local Board.

The Commissioners adjourned.

ANTHONY TRAILL,

December 1, 1887.

Wm. Edward Ellis, Secretary.

December 1, 1887.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letter read from John Irwin asking what steps he should take to have a Scheme framed by the Commission for the Westmeath Protestant Orphan Society.

Ordered:—That the Secretary reply in the usual terms.

It was resolved :—

That in future the shorthand Writer should be requested to put the name of each Commissioner asking any question in the margin of his notes.

The Commissioners adjourned.

J. B. DOUGHERTY,

December 3, 1887.

Wm. Edward Ellis, Secretary.

December 3, 1887.

Meeting of the Commission held this day at their Offices, 23, Nassau-street, Dublin.

Present :—Lord Justice FITZGERALD, Lord Justice NAISH, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letter (Nov. 30) read from the Secretary, Diocesan Council of Armagh, acknowledging receipt of the letter of the Commissioners as to the Scheme for the Royal Schools Endowments.

Letter (Nov. 29) read from the Secretary, Diocesan Council of Derry and Raphoe, as to the proposed Scheme for the Royal Schools Endowments.

To be informed that the Commissioners do not consider it would be convenient at the present stage to discuss the grounds upon which the Draft Scheme is being prepared, but that it will be open to all parties to make objections and amendments after the publication of the Draft Scheme.

Letter (Nov. 30) read from Colonel Marsh, C.B.E., in Ireland, as to the Dungannon Royal School Buildings.

Reply, as drafted, directed to be sent.

The Secretary was directed to write to the Rev. L. Hassé, Ballymena, asking for a return of the amount received from Gay's Trustees by him for Moravian Widows during the last six years, together with an account of its expenditure.

The Secretary was directed to write to Mr. James M. Weir, Kilkenny College, asking him for a copy or the original of his appointment as Head Master.

The Secretary was directed to write to the Commissioners of Charitable Donations and Bequests asking for information as to the Crofton Endowment, Macroom.

A copy of the proposed Draft Scheme for the Lurgan Ragged School was directed to be sent to the Trustees of that School asking for their views upon the proposals contained therein.

The Draft Scheme for the Royal School Endowments was further considered and amended.

The Commissioners adjourned.

GERALD MOLLOY,

December 7, 1887.

Wm. Edward Ellis, Secretary.

December 7, 1887.

Meeting of the Commission held this day at their Offices, 23, Nassau-street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letters read :—

The Secretary, Diocesan Council of Clogher (Dec. 5), as to the proposed Scheme for the Royal School Endowments.

James G. Barry (Dec. 5), and Rev. Wm. Roman, A.R. (Dec. 5) as to the proposed valuation of the Mungret College premises.

James M. Weir, Kilkenny College (Dec. 5), enclosing copy of his appointment as Head Master.

Rev. Wm. J. Clarke (Dec. 5) as to the property belonging to the Villiers' Charities, Limerick.

Rev. L. Hassé (Dec. 6) as to moneys payable by Gay's Trustees for Moravian Widows in Ballymena.

Letter (Dec. 5) read from James H. Smith, Raphoe, as to the Scheme for the Royal Schools Endowments.

To be informed that the Commissioners are preparing a Scheme which will shortly be published.

Letter (Dec. 7) read from Rev. R. C. Wills, Rector of Mallow, as to an Endowment belonging to Rahen Parish, co. Cork.

To be informed that his letter and its enclosures will receive the due consideration of the Commissioners.

Letter (Dec. 5) read from The Most Noble The Marquis of Ormonde addressed to Lord Justice FitzGibbon enclosing suggestions for a Scheme for Kilkenny College.

Letter (Dec. 6) read from Rev. J. S. McClinton as to the Scheme for the Lifford Endowed Schools.

A reply, as drafted, directed to be sent.

The Commissioners adjourned.

GERALD FITZGIBBON.

December 10, 1887.

Wm. Edward Ellis, Secretary.

December 10, 1887.

Meeting of the Commission held this day at their office, 23 Nassau-street, Dublin.

Present:—Lord Justice FITZGIBBON, Lord Justice NAISH, Rev. Dr. MULLOY,  
Dr. TRILLI, Professor DOUGHERTY.

Minutes of proceeding meeting read and confirmed.

Letters read:—

The Right Rev. Samuel Sheehy, M.A., Lord Bishop of Kilmore (Dec. 7), as to the proposed Scheme for the Royal School Endowments.

Rev. Joseph H. Wiley (Dec. 7) enclosing return of the amounts paid by Guy's Trustees to Mercian Widows in Ballymena.

John Strangman, as to funds belonging to the Waterford Protestant Orphan Society.

John Leeson, Junr., enclosing Resolution of the Select Vestry of the Parish of St. Anne, Sionden, Cork, as to the Green Coat Hospital, Cork.

Letter (Dec. 7) read from the Agent of Sir Hugh Adair informing the Commission of Sir Hugh Adair's views with regard to a Scheme for the Diocesan School, Ballymena.

Ordered:—That a copy of the Lease of the Diocesan School premises be obtained as soon as possible.

Letter (Dec. 8) read from the Ven. The Archbishop of Armagh as to the proposed Scheme for the Royal School Endowments.

To be informed that the Commissioners do not consider it would be convenient at the present stage to discuss the grounds upon which the Draft Scheme is being prepared, but that when the Draft Scheme is published they will be prepared to consider any objections made by the Diocesan Council of Armagh.

Letter (Dec. 3) read from the Treasury Solicitor as to a debt due from the Banagher Royal School to the Treasury.

To be informed that all charges affecting the Royal School Endowments will be left in their present position in any Scheme framed for those Endowments.

Letter (Dec. 6) read from Rev. A. R. Barton, Rector of Cavan, giving names for Cavan (Protestant) Local Board to be inserted in Draft Scheme for the Royal Schools Endowments.

Letter (Dec. 7) read from the Rev. E. McGinnis, Vicar Capitular of the Diocese of Kilmore, giving names for Cavan (Roman Catholic) Local Board to be inserted in the Draft Scheme for the Royal Schools Endowments, and also asking as to the area of the Cavan District.

A letter, as drafted, directed to be sent.

The Commissioners arranged to hold a public sitting on January 9, 1888, to consider objections received to some of the Draft Schemes published by the Commission, and the Secretary was directed to write in terms, as drafted, giving notice of same to the Commissioners of Charitable Donations and Bequests.

Instructions were given to the Assistant Secretary to have the report distributed without delay.

The Draft Scheme for the Royal School Endowments was further considered and amended.

It was resolved:—

That until further notice meetings of the Commission be held weekly, on Saturdays at 11 30 o'clock, a.m., and stated attendances of the Commissioners on Wednesdays at 4 o'clock, p.m.

The Commissioners adjourned.

JOHN NAISH,

December 17, 1887.

Wm. Edward Ellis, Secretary.

December 14, 1887.

At a stated attendance of the Commissioners held this day at their Office, 23, Nassau-street, Dublin,

Present:—Lord Justice FITZGERSON, Rev. Dr. MOLLOY, Dr. TRAILL.

Letter (Dec. 13) read from Rev. Thomas Brown as to a National School, formerly on premises belonging to Mungret College, Limerick.

Letters (Dec. 12 and 13) read from the Secretary, Diocesan Council of Clogher, as to the proposed Scheme for the Royal Schools Endowments.

A reply, as drafted, directed to be sent.

Letter (Dec. 12) read from the Secretary, Diocesan Council of Kilmore, giving the names of five persons for the Cavan (Protestant) Local Board to be inserted in the Draft Scheme for the Royal Schools Endowments.

Ordered:—That the Secretary write to the Lord Bishop of Kilmore asking his Lordship to state which three of the names forwarded should be inserted in the Draft Scheme as the representatives of the Council.

A letter (Dec. 12) was submitted from the Under Secretary, Dublin Castle, asking for an estimate of the expenses of the Commission for the year 1888-9.

The Secretary was directed to draft a reply to be brought before the Commissioners at their next meeting.

The Commissioners adjourned.

JOHN NAISH.

December 17, 1887.

Wm. Edward Ellis, Secretary.

December 17, 1887.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGERSON, Lord Justice NAISH, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting and of the stated attendance of December 14 read and confirmed.

Letters read:—

The Under Secretary, Dublin Castle (Dec. 14), enclosing certified copy of the valuer's report on the Mungret College and Lands.

Rev. D. Humphrey (Dec. 13), enclosing returns and written evidence as to the Erasmus Smith's Endowments.

Rev. T. M. Hamill (Dec. 15), as to proposed Draft Scheme for Lurgan Queen-street National School.

The estimate for the year 1888-9, and the statement to accompany it (as drafted by the Secretary), was submitted, and the Commission having considered and amended same, directions were given to forward them to the Under Secretary, Dublin Castle.

Copies of the annual report of the Commission for the year 1886-7, having been received from the Queen's Printer this day, the Secretary was directed to forward same to the Chief Secretary with the usual letter.

With reference to the sitting proposed to be held on January 9, 1888, the Secretary was directed to insert the following notice in the Dublin newspapers on December 24, 1887:—

NOTICE OF PUBLIC SITTING.

NOTICE is hereby given that the Commission will hold a Public Sitting at the office, 23, Nassau-street, Dublin, on Monday, January 9, 1888, at 12 o'clock, for the final consideration of the Draft Schemes already published with reference to the following Endowments:—

8. Ulster Society, Belfast.
15. Royal Belfast Academical Institution.
22. Magee College, Londonderry.
28. Belfast Academy.
31. Nicholas School, Lisharn.
32. Ladies' Industrial School, Belfast.
31. Most School, Lismuck.
33. Laurel Hill School, Coleraine.
30. Tullyvin and Beaulieu Schools, Co. Cavan.
18. Merchant Tailors' School, Dublin.
25. Dublin Working Boys' Home and Harding Endowment.
32. St. Peter's Parochial Schools and Mrs. Wray's School, Dublin.
27. Edmund Female Orphan School, Dublin.
29. Philadelphia Sunday and Daily Schools, Dublin.
3. Morgan's and Mercer's Schools, Dublin (revised Schemes).

The first matter for consideration at the above sitting will be the proposed provision for future alteration of the Schemes, and the objection received thereto in the case of several of the foregoing Endowments from the Commissioners of Charitable Donations and Bequests. Any special objections to the several Schemes will afterwards be considered in the order mentioned in above list, and the inquiry will, if necessary, be continued at 11 o'clock, A.M. on the following day (January 10).

(By order of the Commission),

WM. EDWARD ELLIS, Secretary.

December 17, 1887.

And the Secretary was directed to give notice of the sitting, and to send a copy of the objection of the Commissioners of Charitable Donations and Bequests to the Governing Bodies of the Endowments mentioned in the above advertisement, also to send notice to the representative of each religious denomination who already appeared before the Commission.

The Commissioners adjourned.

ANTHONY TRAILL,

December 20, 1887.

Wm. Edward Ellis, Secretary.

December 20, 1887.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read:—

Rev. W. Todd Martin (December 14), giving names of representatives of the Presbyterian Church on the various Local Boards (Protestant) to be established for the management of the Royal School Endowments.

The Secretaries, Commissioners of Charitable Donations and Bequests (December 17), stating that date fixed for the public sitting—January 9, 1888—will be convenient for their Board.

Rev. J. A. Weir (December 17), giving date of his appointment as Head Master of the Raphoe Royal School.

Letter (December 11), read from the Rev. Canon Donnelly, F.P., Magherafelt, addressed to Dr. Molloy, enclosing suggestions for a Draft Scheme for the Rainey School, Magherafelt.

A reply, as drafted, ordered to be sent.

The Secretary was directed to send a copy of the valuation made of the lands and buildings of Mungret College, with a letter as drafted, to the following persons:

- Lord Emily.
- The Trustees (Mr. Barry).
- The Most Rev. Dr. O'Dwyer, Bishop of Limerick.
- The Rev. William Ronan, &c.

The Secretary was also directed to forward copies of the report of the Commissioners for the year 1886-7, to the individuals or bodies who have been asked to name any representatives on the Local Boards for the management of the Royal Schools Endowments, stating that as the general principles of the Draft Scheme for the Endowments are set forth in that report it may be convenient for them to see it.

The Commissioners adjourned.

JOHN NAISS,

January 9, 1888.

Wm. Edward Ellis, Secretary.

January 9, 1888.

# PUBLIC SITTING.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGIBBON, Lord Justice NAISS, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Mr. Henry Hunt, Shorthand Writer, was in attendance.

On the consideration of the objection received from the Commissioners of Charitable Donations and Bequests with reference to the proposed provision for future alteration of the Schemes in the case of several of the following endowments:—

8. Ulster Society, Belfast.
16. Royal Belfast Academical Institution.
23. Magee College, Londonderry.
28. Belfast Academy.
21. Nicholson School, Lisburn.
22. Ladies' Industrial School, Belfast.
31. Most School, Lisnakea.
33. Laurel Hill School, Coleraine.
30. Tullyvin and Bushawn Schools, Co. Cavan.
18. Merchant Tailors' School, Dublin.
26. Dublin Working Boys' Home and Harding Endowment.
32. St. Peter's Parochial Schools and Mrs. Wemy's School, Dublin.
27. Bertrand Female Orphan School, Dublin.
29. Philshorough Sunday and Daily Schools, Dublin.
5. Morgan's and Mercer's Schools, Dublin (resulted Scheme).

Mr. H. P. Jellott, q.c. (instructed by Sir P. Maxwell), appeared for the Commissioners of Charitable Donations and Bequests.

Mr. J. J. Shaw (instructed by Jas. Henry, Solicitor), appeared for the Governing Body of the Ulster Society.

Rev. Canon Jellott, LL.D. Mr. A. Henderson, and Mr. H. T. Dix, members of the Governing Body of the Bertrand Female Orphan School, attended.

Rev. Canon Jellott, LL.D. appeared also on behalf of the Governing Body of Mercer's School.

Rev. James Heron, and Mr. J. Henry, Solicitor, appeared on behalf of the Presbyterian Proprietors of the Royal Belfast Academical Institution.

Lord Justice FitzGibbon made a statement.

Statements in reference to the objection were made by:—

- Mr. Jellott, q.c. (Commissioners of Charitable Donations and Bequests).
- Mr. Dix.
- Rev. Canon Jellott, } (Bertrand Female Orphan School).
- Mr. Shaw (Ulster Society).
- Rev. N. W. Currie, (Philshorough Sunday and Daily Schools).
- Rev. Canon Jellott (St. Peter's Parochial Schools).
- Mr. R. McMillan (Merchant Tailors' School).
- Rev. Jas. Heron (Royal Belfast Academical Institution).

And letters in reference to the subject were read from:—

- Rev. E. G. M. Webster (Jan. 3) enclosing a resolution passed at a meeting of St. Peter's Schools Board.
- Thomas Gick (Jan. 5), Bertrand Female Orphan School.
- Wm. Workman (Jan. 5), Royal Belfast Academical Institution.
- Thos. Spenser and Mrs. B. Ormsby (Jan. 7), Dublin Working Boys' Home and Harding Endowment.
- Messrs. Carson and McDowell (Jan. 7), Ulster Society.
- Rev. J. Maxwell Rodgers (Jan. 7), Magee College.

The consideration of the objections lodged by the several Governing Bodies in the cases of Schemes Nos. 27, 29, 30, and 32, was postponed to January 10, 1888.

The Commissioners adjourned.

JOHN NAISS,

January 28, 1888.

Wm. Edward Ellis, Secretary.

January 10, 1888.

PUBLIC SITTING.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FRIZZIBSON, Lord Justice NAISH, Dr. TRAILL,  
Professor DOUGHERTY.

Mr. Henry Hunt, Shorthand Writer, was in attendance.

The objections received to the Draft Schemes for the following Endowments were considered, and the several persons mentioned were in attendance with reference thereto:—

ST. PETER'S PAROCHIAL SCHOOLS AND MRS. WBAY'S SCHOOL.

Rev. Canon Jellett, LL.D.; Rev. R. G. M. Webster; Sir Andrew S. Hart, LL.D.

TULLYVIN AND BENSAWN SCHOOLS.

Rev. F. A. Sanders; Mr. G. McGusty, Solicitor; Mr. Robert Good, Master.

BERTRAND FEMALE ORPHAN SCHOOL.

Rev. Canon Jellett; Mr. A. Henderson, Q.C.; Mr. H. T. Dix; Rev. Hamilton Magro; Mr. Longworth Dunne, Q.C.; and Thomas Glick, Secretary.

Mr. J. J. Shaw (instructed by J. Henry, Esq.), appeared for the Intermediate Education Committee of the General Assembly of the Presbyterian Church.

Dr. Tait appeared on behalf of proposed Governors.

PHILSBOROUGH SUNDAY AND DAILY SCHOOLS.

Rev. N. W. Carré and Mr. J. W. Jennings, existing Governors.

Mr. F. V. Clarendon and Rev. Wm. Tait, LL.D., proposed Governors.

Statements were made by the following:—

Rev. Canon Jellett, LL.D.,	{	As to St. Peter's Parochial Schools.
Sir Andrew S. Hart, LL.D.,		
Rev. F. A. Sanders,	{	As to Tullyvin and Bensawn Schools.
Mr. G. M. McGusty, Solicitor,		
Mr. Robert Good, Master,		
Rev. Canon Jellett, LL.D.,	{	As to Bertrand Female Orphan Schools.
Mr. A. Henderson,		
Mr. H. T. Dix,		
Rev. Hamilton Magro,		
Mr. J. J. Shaw,		
Rev. Wm. Tait, LL.D.,	{	As to Philsborough Sunday and Daily Schools.
Rev. N. W. Carré,		
Mr. J. W. Jennings,		
Rev. Wm. Tait, LL.D.		

The Commissioners adjourned.

JOHN NAISH,

January 28, 1888.

Wm. Edward Ellis, Secretary.

January 28, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FRIZZIBSON, Lord Justice NAISH, Dr. TRAILL,  
Professor DOUGHERTY.

Minutes of the two preceding meetings read and confirmed.

Letters read:—

- Rev. J. A. Chancellor (Jan. 10), as to Draft Scheme for the Belfast Royal Academy.  
Richard Hagwell, M.A. (Jan. 12), enclosing Heads of a Scheme for General Endowed School.  
Rev. David Wilson (Jan. 15), as to Villiers' Schools, Limerick.  
Rev. John H. Thorpe (Jan. 13), enclosing statement of Endowments belonging to St. Peter's Parochial Schools, Cork.

A . .

R. O. MacCulloch, Head Master (Jan. 16), as to Scheme for the Monaghan Collegiate School.

Rev. J. W. Atkin (Jan. 16), and G. Baldwin Hamilton (Jan. 21), as to the Baldwin Endowment at Rathbarr, co. Cork.

James G. Barry (Jan. 16), as to Mangrove College, Limerick.

Joseph F. Smeeth (Jan. 20), as to Rathmaisles Township Sunday and Daily Schools.

James M. Weir (Jan. 27), as to his vested interests under Scheme for Kilkenny College.

Rev. Thom. Jenson, n.n., Magherafelt (Jan. 12), as to his evidence.

Letter (Jan. 21) read from John Farwell, embodying statement as to the Queen-street Collegiate School, Cork.

Ordered:—That the statement be printed in the Appendix to the report for the year 1887-8.

Letter (Jan. 20) read from Rev. J. Macbeth, as to the "Higgin Memorial Prize Fund."

To be informed that without knowing the conditions on which the Endowment is held, the Commissioners are unable to say whether it could be dealt with under the Act.

Letter (Jan. 16) read from Rev. C. J. Hinkson, as to the Carysfort Royal School buildings.

A reply, as drafted, ordered to be sent.

Letter (Jan. 29) read from Richard Biggs, Hon. Sec. Schoolmasters' Association, as to the Clauses in the Schemes published by the Commission dealing with the dismissal of Head Masters, and enclosing copies of a Memorial forwarded to the Lord Lieutenant in Council by the Association on the subject.

Reply, as drafted, ordered to be sent.

Letter (Jan. 27) read from the Clerk of the Privy Council, Dublin Castle, as to furnishing copies of the observations of the Commissioners upon the objections lodged with him against the nine Schemes before the Lord Lieutenant, to the objectors, and to the Governing Body in each case.

The Secretary was directed to send a copy of the observations with a letter, as drafted, to the parties above mentioned.

The Commissioners adjourned.

JOHN NASH,

February 25, 1888.

Wm. Edward Ellis, Secretary.

February 25, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FRYCHEMAN, Lord Justice NASH, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read:—

Rev. T. O'Keefe, n.n. (Feb. 25), as to claims of Sacred Heart College, Limerick, on any funds for Intermediate Education available for distribution in Limerick.

Messrs. Maxwell and Son, Solicitors (Feb. 25), as to Rainey's Charity, Magherafelt.

The Secretary was directed to write to Mr. Joseph S. Smeeth, Hon. Sec. Committee of the Rathmaisles Township Sunday and Daily Schools, stating that the Commissioners will receive a deputation of his Committee at the office on Saturday, March 3, at 11 o'clock, a.m.

A Public Sitting was fixed to be held at the Ransleigh School, Athlone, on Monday, March 26, 1888, at 10 o'clock, a.m., with reference to

Ransleigh School, Athlone.

St. Mary's Parochial (Erasmus Smith's) School, Athlone.

Memorial of Roman Catholic Inhabitants of Athlone.

Notice of the Sitting to be published in the usual way, and to be sent to the Secretary, Incorporated Society for promoting English Protestant Schools in Ireland; the Registrar, Erasmus Smith's Board; Robert Baile, Head Master, Ransleigh School; Rev. R. S. D. Campbell, Incumbent of St. Mary's, Athlone; Rev. Terence Martin, R.C. Ada., Athlone; Rev. Dr. Coffey, St. Peter's, Athlone; and to the Roman Catholic Bishop of Ardagh and Clonmacnoise and the Protestant Bishop of Meath.

The Secretary was directed to write to Mr. W. J. McClelland, Head Master, Santry School, county Dublin, informing him that it is the intention of the Commissioners to visit his school on Tuesday, March 27, and that they wish to see the school in full working order, with a full attendance of the pupils.

A letter from the Most Rev. Dr. O'Dwyer, Bishop of Limerick, to Dr. Molloy, as to Mungret College, Limerick, was brought before the Commission.

The Draft Scheme for the Royal Schools Endowments was further considered.

The Commissioners adjourned.

JOHN NAIRN,

February 27, 1888.

Wm. Edward Ellis, Secretary.

February 27, 1888.

Meeting of the Commission held this day at their office, 23, Nassau-street, Dublin.

Present :—Lord Justice FITZGERSON, Lord Justice NAIRN, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The Draft Scheme for the Royal Schools Endowments was further considered.

The Commissioners adjourned.

GERALD FITZGERSON,

March 3, 1888.

Wm. Edward Ellis, Secretary.

March 3, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present :—Lord Justice FITZGERSON, Lord Justice NAIRN, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The Draft Scheme for the Royal Schools Endowments was further considered.

The Commissioners adjourned.

JOHN NAIRN,

March 10, 1888.

Wm. Edward Ellis, Secretary.

March 10, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present :—Lord Justice FITZGERSON, Lord Justice NAIRN, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read :—

R. Barrington, solicitor (March 6) as to Villiers' Charitable Institutions, Limerick.

Wm. Orr Wilson (March 6) as to Guy's Free School, Ballymena.

Rev. T. R. S. Collins (March 8) as to the Church of Ireland Victoria Jubilee Fund.

Letter (March 3) read from Very Rev. J. Hassan, President, St. Columba's College, Londonderry, as to the Royal Schools Endowments.

A reply, as drafted, ordered to be sent.

Letter read from Rev. J. W. Atkin as to the Barry Baldwin Endowment, Co. Cork.

To be inferred that as yet the Commissioners have not been able to deal with it.

The Draft Scheme for the Royal Schools Endowment was further considered.

It was ordered :—

That a return be obtained of the Primary Schools within a radius of five miles from the Old Castle of Clarysfort, also of the Primary Schools in each of the following parishes :—Ballykine, Cusshingaun, Killeale (Ardlow), and Aughrim, distinguishing in each case between those which are connected with the National Board and those which are not so connected.

The Commissioners adjourned.

JOHN NAIRN,

March 16, 1888.

Wm. Edward Ellis, Secretary.

March 16, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present :—Lord Justice FITZGIBSON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read from :—

Rev. S. L. Brakry (March 16) as to the Scheme for the Royal Schools Endowments.

The Clerk of the Privy Council, Dublin Castle (March 14) enclosing copies of Schemes Nos. 11, 12, 13, 14, 15, 17, 19, 20, and 25, provisionally approved by the Lord Lieutenant in Council.

Letter (March 14) read from the Secretary of the Treasury as to the payment by the respective Governing Bodies of the cost of publication of Draft Schemes.

Reply as sent by the Secretary approved.

Letter (March 12) read from Rev. S. L. Brakry as to the election of a Governor by the Diocesan Council of Clough on the Governing Body of Monaghan Collegiate School as incorporated under the Scheme.

To be informed that the Scheme does not come into operation till finally approved by the Lord Lieutenant, and that the result of the election, when held at the proper time, should be notified to the Secretary of the Monaghan Collegiate School, not to this Commission.

Letter (March 12) read from Rev. H. Kingmill Moore, Principal, Church of Ireland Training College, as to printing copies of the Scheme framed for that Institution.

Ordered.—That the Secretary communicate with Her Majesty's Stationary Office on the subject.

The Secretary was directed to write to the Registrar, Board of Trinity College, Dublin, stating that the Commissioners would be glad to receive from that Board any suggestions with regard to the Draft Scheme now in preparation for Kilkenny College : also a similar letter to the Provost of Trinity College, Dublin.

The Draft Scheme for the Royal Schools Endowments was further considered.

The Commissioners adjourned.

GERALD FITZGIBSON,

March 17, 1888.

Wm. Edward Ellis, Secretary.

March 17, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present :—Lord Justice FITZGIBSON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Professor DOUGHERTY.

Minutes of meeting of March 17 read and confirmed.

Letter (March 16) read from C. Sheldon, on behalf of the Board of Masters of the Royal Belfast Academical Institution as to the reception and retention of pupils under the Scheme.

A reply, as drafted, ordered to be sent.

The Secretary was directed to write to the Secretary of the United Diocesan Council of Derry and Raphoe, stating that the Commissioners propose to place upon the Governing Body of the Robertson Schools, Co. Donegal, five lay representative Governors to be elected by the Council, and asking him to furnish the names of five laymen to be inserted in the Scheme as the first lay representatives of the Diocesan Council.

The Draft Scheme for the Royal School Endowments was further considered.

It was ordered :—

That the Draft Schemes mentioned in a list submitted be advanced with a view to their publication on April 21.

The Commissioners adjourned.

JOHN NAISH,

April 11, 1888.

Wm. Edward Ellis, Secretary

March 26, 1888.

PUBLIC SITTING.

Meeting of the Commission held this day at the Ranelagh Institution, Athlone.

Present :—Lord Justice FITZGIBBON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Mr. W. W. Healy, shorthand writer, was in attendance.

Lord Justice FitzGibbon made an introductory statement.

RANELAGH INSTITUTION, ATHLONE.

The following witnesses were sworn and examined :—

Robert Esle, M.A., Headmaster.  
Rev. George McCleughan, M.A.  
Joseph Vaughan, Esq.  
Rev. J. F. T. Crampton.  
Rev. R. S. D. Campbell, M.A.  
Most Rev. Dr. Woodlock, Bishop of Ardagh.

ST. MARY'S PAROCHIAL SCHOOL, ATHLONE.

The following witnesses were sworn and examined :—

Joseph Vaughan, Esq.  
James Hart, Esq.

THE MARIST FATHERS' SCHOOL, ATHLONE.

The Rev. T. Martin was sworn and examined.

The Commissioners adjourned.

GERALD FITZGIBBON,

May 19, 1888.

N. D. Murphy, Junr.,  
Chief Clerk and Assistant-Secretary.

April 11, 1888.

Meeting of the Commission held this day at their offices, 23, Nassau-street, Dublin.

Present :—Lord Justice FITZGIBBON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Minutes of the meeting of March 17, read and confirmed.

The Draft Scheme for the Royal Schools Endowments was further considered.

The Secretary was directed to write :—

To His Grace the Most Rev. Dr. Logue, Archbishop of Armagh, asking His Grace to send up the names asked for in a letter dated November 25, 1887, as the Draft Scheme is approaching completion.

To the Most Rev. Dr. McGinnis, Bishop of Kilmore, enclosing a list of the persons whom the Commissioners propose to name in the Draft Scheme as the first members of the Cavan Roman Catholic Board, and stating that the Commissioners would be obliged if his Lordship would kindly say whether the names proposed meet with his approval.

The Commissioners adjourned.

JOHN NAISH,

April 12, 1888.

Wm. Edward Ellis, Secretary.

April 12, 1888.

Meeting of the Commission held this day at their offices, 23, Nassau-street, Dublin.

Present :—Lord Justice NAISH, Rev. Dr. MOLLOY, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read from—

William Workman [March 30] as to clauses in Scheme for Royal Belfast Academical Institution, relating to the admission of pupils.

Rev. Canon Baskington, [March 22] sending the names of the representatives of the Diocesan Council of Derry and Raphoe on the Governing Body for the Robertson's Schools, county Donegal.

Rev. C. J. Hinkson [March 26] as to schools within five miles radius of Chrysofort Castle, E. Bagwell [March 26] stating that Lord Arthur Butler, and not Lord Oranmore, has agreed to act on the Governing Body of the Clonmel Endowed School.

F. Somerville Murray [April 3] enclosing resolution of the School Vestry of St. Anne, Sluridan, as to the Scheme to be framed for the Green Coat Hospital, Cork.

Rev. John O'Brien, P.P. [March 26] as to schools within five miles radius of the Chrysofort Castle.

Messrs. Milward Jones, and Casarson, Solicitors [April 2] as to Lady Esmond's Bequest to Rathspeck Schools, county Wexford.

The Clerk of the Privy Council, Dublin Castle [April 11] asking for the observations of the Commissioners on the objections lodged against the Schemes for the Royal Belfast Academical Institution, the Royal Belfast Academy, and the Nicholson Memorial School, Lisburn, and against the amended Scheme for the Ulster Society, Belfast.

Letter [April 1] read from Rev. Michael Culliginn, Diocesan College, Ennis, as to Munster Schools and Endowments.

A reply, as drafted, ordered to be sent.

Letter [April 10] read from Rev. Br. John A. Yorke as to the Christian Schools, Dundalk.

The Secretary was directed to draft an answer to be submitted to the Commissioners for approval.

The Heads of a memorandum to accompany the Draft Scheme for the Royal Schools Endowments on its publication were considered.

The Commissioners adjourned.

GERALD MOLLOY,  
April 13, 1888.

Wm. Edward Ellis, Secretary.

April 13, 1888.

Meeting of the Commission held this day at their Offices, 23, Nassau-street, Dublin.

Present :—Lord Justice FITZGIBBON, Lord Justice NASH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read from—

W. J. Knight, Esq., M.B., Hon. Sec., Grosvenor Hospital Cork [April 12] apprising the Commission of the death of the Treasurer of that Institution.

Herbert Taylor, H. M. Stationery Office [April 12] as to supplying copies of Schemes finally approved to the several Governing Bodies.

The Most Rev. Dr. O'Donnell, Bishop of Raphoe [April 12] asking that the name of the Rev. P. J. Brennan, Principal of the Seminary, Letterkenney, be substituted for that of the Rev. E. Maguire on the Local Board for the Denagel District.

The Draft Scheme for the Royal Schools Endowments was further considered.

Instructions were given to the Secretary to apply, in form as drafted, to William Paul, Esq., Portadown, W. J. Venables, Esq., Solicitor, Cookstown, and to James Hardley, Esq., Cavan, asking them to allow their names to be inserted in the Draft Scheme as representatives of other Protestant denominations upon the Armagh, Tyrone, and Cavan Protestant Local Boards, and to the Rev. E. A. McFarlane, Stranorlar, asking if he will consent to act, and if he will not, if he will suggest the name of a person to represent the other Protestant denominations upon the Raphoe Protestant Local Board.

The letter as drafted, in reply to a letter from the Rev. Br. John A. Yorke, was approved.

The Commissioners adjourned.

JOHN NASH,  
April 14, 1888.

Wm. Edward Ellis, Secretary.

April 14, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present :—Lord Justice FITZGERSON, Lord Justice NAISH, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The Secretary was directed to write to the Clerk of the Session of the Presbyterian Church at Limerick and to the Rector of St. Minchin's, Limerick, asking them to obtain from the Session and the Select Vestry respectively, the name of a Governor for the Governing Body of Villiers' Charitable Institutions, Limerick.

The Secretary was directed to send a copy of the letter from H. M. Stationary Office dated April 13, 1888, as to the printing of Schemes finally approved, to the Rev. H. Kingsmill Moore, Principal of the Church of Ireland Training College.

The Draft Scheme for the Royal Schools Endowments was further considered.

Letter (April 13) read from the Most Rev. Dr. Logan, Archbishop of Armagh, as to names for the Local Boards for the Armagh and Tyrone Districts.

Comment :—That His Grace be thanked for his letter, and informed that the names forwarded will be inserted in the Draft Scheme.

The Commissioners adjourned.

GERALD FITZGERSON,

April 16, 1888.

Wm. Edward Ellis, Secretary.

April 16, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present :—Lord Justice FITZGERSON, Lord Justice NAISH, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters [March 17] read from W. F. Littledale, Esq., as to Carysfort Royal School.

Letter [March 17] read from Rev. Canon Bahington as to a private endowment belonging to the Raphoe Royal School.

A reply, as drafted, ordered to be sent.

Letter [April 13] read from Rev. Canon Gregg as to the Limerick Diocesan School.

A reply, as drafted, ordered to be sent.

The Draft Scheme for the Royal Schools Endowments was further considered.

The Secretary was directed to write to the Most Rev. Dr. O'Donnell thanking him for his letter of the 12th inst., and stating the same will be submitted as he desires.

Instructions were given to the Secretary to communicate with the Royal Irish Academy of Music and the Corporation of Dublin with a view to obtaining the names to be inserted in the Draft Scheme for the Royal Irish Academy of Music and the Coulson Bequest.

The Commissioners adjourned.

JOHN NAISH,

April 17, 1888.

Wm. Edward Ellis, Secretary.

April 17, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present :—Lord Justice FITZGERSON, Lord Justice NAISH, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letter (April 16) read from the Clerk of the Session of the First Ballymena Presbyterian Church as to the Draft Scheme for Gay's Free School, Ballymena.

A reply, as drafted, ordered to be sent.

The Draft Scheme for the Royal Schools Endowments was further considered.

Letter (April 16) from William J. Venable, solicitor, Corkstown, as to inserting his name in the Draft Scheme.

The Commissioners adjourned.

J. B. DOUGHERTY,

April 19, 1888.

Wm. Edward Ellis, Secretary.

April 19, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present :—Lord Justice FITZGIBBON, Lord Justice NAISH, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read :—

William Paul, Esq., Portadown (April 16), Rev. R. A. McFarlane, Stranorlar (April 17), and James Hartley, Esq., Cavan (April 17), allowing their names to be inserted in the Draft Scheme for the Royal Schools Endowments.

Wm. Orr Wilson (April 17) as to Guy's Free School, Ballyarna.

The Clerk of the Session of the Presbyterian Church at Limerick (April 16) sending name of representative governor for insertion in the Draft Scheme for the Villiers' Institutions, Limerick.

Letter (April 17) read from Mr. Vincent Scully, as to the Draft Scheme for the Baltimore Fishery School.

The Secretary was directed to write to the Rev. Charles Davis stating that the Commissioners would be glad to obtain from the Trustees of the Baltimore Fishery School the name of a suitable person to act as a Governor.

Letter (April 17) read from the Rev. David Wilson, D.D., asking that the Books and Papers relating to the Villiers' Charity, Limerick, may be returned to him.

To be informed that the Books and Papers referred to will be returned to him as soon as possible.

The Draft Scheme for the Royal Schools Endowments was further considered.

Mr. W. F. Littledale attended and gave information to the Commissioners with regard to the Carysfort Royal School.

The Commissioners adjourned.

GERALD FITZGIBBON,

April 21, 1888.

Wm. Edward Ellis, Secretary.

April 21, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present :—Lord Justice FITZGIBBON, Lord Justice NAISH, Rev. Dr. MOLLOY, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read :—

The Clerk of the Session of the First Ballymann Presbyterian Church (April 19) as to the Draft Scheme for Guy's Free School, Ballymena.

The Most Rev. Dr. McGonigle, Bishop of Kilmore (April 20), as to the Roman Catholic Local Board for the Cavan District to be inserted in the Draft Scheme for the Royal Schools Endowments.

Rev. Wm. J. Clarke (April 20) sending name of representative Governor for Villiers' Institutions, Limerick.

Letter (April 19) read from Rev. A. J. Moore asking if any objections have been lodged with the Privy Council against the Scheme for the Nicholson Memorial School.

To be informed that objections have been lodged by the Rev. W. D. Fowden; the Rev. E. Maxwell; and the Rev. J. H. Seymour; and that if he desires to support the Scheme as framed it will be open to him to appear before the Privy Council at the sitting for the consideration of the objections of which due notice will be given him.

The memorandum to accompany the Draft Scheme for the Royal School Endowments was read and considered.

The Draft Scheme for the Royal School Endowments was finally considered and directions given for its publication, which was fixed for April 30, 1888.

The Commissioners adjourned.

ANTHONY TRAILL,  
April 24, 1888.

Wm. Edward Ellis, Secretary.

April 24, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present :—Lord Justice FITZGIBBON, Lord Justice NASH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letter read (April 21), from the Rev. John H. Bernard, V.L.C.P., Hon. Sec. Educational Endowments Committee of the General Synod, as to the principles proposed for the Draft Scheme of the Royal School Endowments.

To be informed that the Draft Scheme will be published on Monday, April 30, and that during two months after its publication his Committee will have the opportunity of forming an opinion upon its principles, and of making objections, and of suggesting amendments for the consideration of the Commissioners.

A draft of the observations prepared on the objections lodged with the Privy Council against the Scheme framed by the Judicial Commissioners for the Nicholas Memorial Scheme, Lichburn, was submitted.

The Draft Scheme for the Royal Schools Endowments was further considered.

The Commissioners adjourned.

GERALD FITZGIBBON,  
April 20, 1888.

Wm. Edward Ellis, Secretary.

April 26, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present :—Lord Justice FITZGIBBON, Lord Justice NASH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read :—

The Clerk of the Privy Council, Dublin Castle (April 24), enclosing copies of Schemes Nos. 18, 22, 23, 26, 30, 31, 32, and 33, provisionally approved by the Lord Lieutenant in Council.  
Rev. F. A. Sanders (April 25), as to the Scheme for the Tullyvin and Bunkera Schools, county Cavan.

W. F. Littlehale (April 26), as to Caryfort Royal School Endowment.

The memorandum to accompany the Draft Scheme for the Royal School Endowments was considered and amended.

The Commissioners adjourned.

JOHN NASH,  
April 27, 1888.

Wm. Edward Ellis, Secretary.

April 27, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present :—Lord Justice FITZGIBBON, Lord Justice NASH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The following Draft Schemes were considered and amended :—

Robertson Endowments, county Donegal.  
Royal Irish Academy of Music and Coulson Bequest.  
Villiers' Charitable Institutions, Liverpool.  
Londonderry Academical Institution.

The Secretary was directed to write to the Rev. H. F. Macdonald, asking him to furnish at his earliest convenience particulars of the site and buildings of all the Schools entitled to the benefit of the Robertson Endowment with sufficient clearness to enable the premises

to be identified in the Scheme, also to state in each case in whom the property of the School-house is now vested, and to furnish a full list of the existing parishes or unions of parishes that constitute the Diocese of Raphoe, with a statement in each case of the present parish or union representing or including the original parish to which the Robertson Endowment was first attached.

The memorandum to accompany the Draft Scheme for the Royal Schools Endowments was amended and finally approved.

A form of advertisement of the Draft Scheme for the Royal Schools Endowments was submitted and approved.

The Commissioners adjourned.

JOHN NASH,  
May 2, 1888.

Wm. Edward Ellis, Secretary.

May 2, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGERSON, Lord Justice NASH, Rev. Dr. MOLLOY.

Minutes of preceding meeting read and confirmed.

Letters read:—

Dr. Twiss (May 1), as to fixing a future meeting.

J. F. Beveridge, Town Clerk of Dublin (May 1), sending names of representatives of the Corporation for the Governing Body to be formed for the Royal Irish Academy and Coulson Endowment.

Letter (April 28) read from Rev. H. F. Macdonald, as to information required about the Robertson Endowment.

To be informed that the questions which he proposes to send to the various Managers of the Robertson Schools will suit the purpose, and that the sooner the information is received, the sooner the Draft Scheme for the Robertson Schools will be published.

Letter (May 1) read from the Rev. W. Moore Morgan, LL.D., as to portion of the Draft Scheme published for the Royal School Endowments.

Reply, as drafted, ordered to be sent.

A public sitting was fixed to be held at Londonderry, on Saturday, May 19, at twelve o'clock, to consider the objections lodged against the Draft Scheme published by the Commission for the future government and management of the Gryn and Young Endowments, Londonderry. The Secretary was directed to send notice of same to parties interested, and to have the sitting advertised in the Londonderry papers.

The Commissioners adjourned.

GERALD FITZGERSON,  
May 4, 1888.

Wm. Edward Ellis, Secretary.

May 4, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGERSON, Rev. Dr. MOLLOY.

Minutes of preceding meeting read and confirmed.

Letter (May 2) read from the Very Rev. W. C. Townsend, D.D., the Dean of Tuam, enclosing copy of the Will of Arthur Nottterville Blake, deceased.

Reply, as drafted, ordered to be sent.

The Draft Scheme for the Baltimore Fishery School and the High School for Girls, Cork, were considered.

The Secretary was directed to write to the Rev. Charles Davis, stating that the Commissioners would be obliged for an early reply to their letter of the 21st ultimo; also to Mr. R. U. Pearce Fitzgerald, M.P., asking him for any suggestions or information as to the reservation of rights of education at Baltimore Fishery School for boys from the district of Aghada.

It was resolved:—

That the next batch of draft schemes should be published on Monday, June 4, 1888.

The Commissioners adjourned.

JOHN NASH,  
May 7, 1888.

Wm. Edward Ellis, Secretary.

May 7, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGERBON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letter (May 5) read from the Hon. Secy, Royal Irish Academy of Music, as to furnishing the names of the representatives of the Academy to be inserted in the Draft Scheme for the Royal Irish Academy of Music and Coulson Bequest.

Reply, as drafted, ordered to be sent.

Letter (May 7) read from the Rev. Charles Davis as to nominating a Trustee in place of Mr. Vincent Scully (resigned) for the Baltimore Fishery School.

Reply, as drafted, ordered to be sent.

Letter (May 5) read from Mr. William Wilson asking for a grant towards the support of Knockletragh National School, county Donegal.

To be informed that the Commissioners regret they have no funds available for such a purpose.

The Secretary was directed to write to the Registrar, Board of Trinity College, stating that the Commissioners would be obliged for an early reply to their letter of March 19 with reference to the Draft Scheme for Kilkenny College.

The Draft Scheme for the Cork Parochial Schools was considered.

The Commissioners adjourned.

JOHN NAISH,

May 11, 1888.

Wm. Edward Ellis, Secretary.

May 8, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGERBON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

The objections lodged with the Privy Council against the Schemes for the Ulster Society for promoting the education of the Deaf and Dumb and the Blind, and for the Nicholson Memorial School, Lisburn, were considered, and the observations, as already drafted, were amended and approved, and the Secretary was directed to forward printed copies of same to the Clerk of the Privy Council, and, with the sanction of the Lord Lieutenant, to the parties concerned.

The Commissioners adjourned.

JOHN NAISH,

May 11, 1888.

Wm. Edward Ellis, Secretary.

May 11, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGERBON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letters read:—

Rev. J. M. Jackson (May 7) as to Educational Endowments in the Parish of Ballybet.

Rev. Jos. A. Gallwey, Registrar, Board of Trinity College (May 10) as to the Draft Scheme for Kilkenny College.

Letter (May 7) read from Thomas H. Jernyn, asking when the Draft Scheme for Bratt-ridge's Trust will be published.

To be informed that a Draft Scheme for the future management of Cork Charities is under consideration, but the Commissioners are not yet in a position to say when it will be published.

Letter (May 9) read from the Secretary of the Treasury, returning Draft Scheme for the Royal Schools, &c., and requesting that it may be submitted to the Treasury through the Chief Secretary for Ireland.

To be informed that a copy of the Draft Scheme has already been forwarded to the Chief Secretary for Ireland.

Letter (May 8) read from Messrs. F. & K. Reid, Solicitors, stating that the Trustees of Gwyn's Institution wish to make additional objections and amendments to the Draft Scheme for Gwyn and Young Endowments, Londonderry.

To be informed that at the public sitting the Commissioners will be glad to receive any suggestions for the improvement of the Scheme.

Letter (May 10) read from Henry Tohill, Junr., as to when the first meeting of the Local Boards will be held under the Scheme for the Royal Schools.

To be informed that the Scheme will not come into force until the date of its final approval by the Lord Lieutenant in Council.

Letter (May 9) read from Rev. D. Humphreys, Tipperary, as to the written statement sent in by him last December.

To be informed that his communication dated December 15, 1887, is under the consideration of the Commissioners.

The objections lodged with the Privy Council against the Schemes for the Royal Belfast Academical Institution and for the Belfast Royal Academy were considered, and the observations on same were amended and approved, and the Secretary was directed to forward printed copies of same to the Clerk of the Privy Council, and, with the sanction of the Lord Lieutenant, to the parties concerned.

The Commissioners adjourned.

GERALD FITZGERDON,

May 17, 1888.

Wm. Edward Ellis, Secretary.

May 17, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present :—Lord Justice FITZGERDON, Lord Justice NAESH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read :—

Very Rev. William Warburton, Dean of Elphin (May 11) as to Bishop Hebert's Grammar School.

The Clerk of the Privy Council, Dublin Castle (May 14), stating that sitting to hear objections lodged against Schemes Nos. 8, 15, 21, and 25 will be held on the 25th instant.

Messrs. Carson & McDowell (May 15) as to objections lodged with the Privy Council against the Scheme for the Ulster Society.

The Draft Schemes for the Crofton School, Clondrohid, and for the Glenmol Endowed School, were considered.

The Secretary was directed to write to the Secretaries, National Education Board, asking them for information through the Inspector of the districts respecting the Crofton School and the neighbouring non-voluntary school of which the Rev. M. Ahern, F.R.C., is the manager, and also stating that if desired the Report of the Inspector would be regarded by the Commissioners as confidential.

The Commissioners adjourned.

GERALD FITZGERDON,

May 23, 1888.

Wm. Edward Ellis, Secretary.

May 19, 1888.

Meeting of the Commission held this day at the Imperial Hotel, Londonderry.

Present :—Lord Justice FITZGERDON, Lord Justice NAESH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Minutes of the meeting of March 26, read and confirmed.

The objections lodged against the Draft Scheme published for the Gwyn and Young Endowments were considered.

The Commissioners adjourned.

GERALD FITZGERDON,

May 23, 1888.

N. D. Murphy, Junr.,  
Chief Clerk and Assistant Secretary.

May 19, 1888.

PUBLIC SITTING.

Meeting of the Commission held this day at the Courthouse, Londonderry.

Present :—Lord Justice FITZGIBBON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Mr. G. K. Magee, Shorthand Writer, was in attendance.

Lord Justice FitzGibbon made an opening statement.

GWYN AND YOUNG ENDOWMENTS.

This was a sitting with regard to the objections lodged against the Draft Scheme published for these Endowments.

J. J. Shaw, Esq. (instructed by Mr. Kelso Reid), appeared for the Trustees of Gwyn's Institution.

John Cooke, Esq. (instructed by Mr. Kelso Reid), appeared for the Executors of the Will of John Young.

The following persons made statements :—

John Cooke, Esq., *id.*

J. J. Shaw, Esq., *id.*

John Cooke, Esq., Waterloo-place

The Commissioners adjourned.

GERALD FITZGIBBON,

May 23, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

May 23, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present :—Lord Justice FITZGIBBON, Rev. Dr. MOLLOY, Dr. TRAILL,  
Professor DOUGHERTY.

Minutes of the three preceding meetings read and confirmed.

Letters read :—

Robert Stoen (May 19) and William Workman (May 22), as to the objections lodged with the Privy Council against the Scheme for the Royal Belfast Academical Institution.

Letter (May 17) read from Rev. H. B. Carter, D.D., as to the exhibitions at Trinity College, Dublin, for pupils attending the Dungannon Royal School.

A reply, as drafted, ordered to be sent.

Letter (May 16) read from R. St. J. Leonard, Esq., Assistant Secretary, United Dioceses of Cork, Cloyne, and Ross, as to information required for the Draft Scheme for the Parochial Schools, Cork.

A reply, as drafted, ordered to be sent.

The Draft Scheme for the High School for Girls, Cork, was considered and finally approved.

The Commissioners adjourned.

GERALD FITZGIBBON,

May 25, 1888.

Wm. Edward Ellis, Secretary.

May 25, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present :—Lord Justice FITZGIBBON, Rev. Dr. MOLLOY, Dr. TRAILL,  
Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read :—

The Right Rev. R. S. Gregg, D.D., Bishop of Cork (May 23) as to the Draft Scheme for the Cork Parochial Schools.

Right Hon. Viscount de Vesdi (May 20) as to the Draft Scheme for the Royal School Endowments.

Rev. H. P. Macdonald (May 23), enclosing information as to Robertson's School's, county Donegal.

Rev. R. Maxwell (May 23) as to objection lodged by him with the Privy Council against the Scheme for the Nicholson Memorial School, Limerick.

Letter (May 24) read from Rev. W. J. Galwey, LL.D., asking if, in the Draft Scheme for the Cork Parochial Schools, the suggestions forwarded by the trustees of the Greenmant Hospital, Cork, are embodied.

A reply, as drafted, ordered to be sent.

The Draft Scheme for the Royal Irish Academy of Music and the Coulson Bequest was considered and amended.

The Secretary was directed to write to Mr. James W. Drury, informing him that it is proposed that Colonel Ward shall be a Vice-President, and as such, an *ex-officio* Governor of the Academy; that it is also proposed that there shall be three Governors representing the trustees of Miss Coulson's Will, of whom two will be Lieutenant W. T. Ward and himself, and that the Commissioners would be prepared to insert the name of a third Governor on the nomination of Colonel Ward and the other trustees of the foundation.

The Secretary was also directed to write to Sir Robert P. Stewart, informing him that it is proposed to place a representative of the principal Professors of the Academy upon the Governing Body, and stating that as his name has been sent forward as a Vice-President, he will *ex-officio* be a member of the Governing Body; also to ask him as soon as possible to confer with the Professors and to suggest a name from among them which will be acceptable to them as their representative.

A list of endowments was submitted for which Draft Schemes are to be prepared.

The Secretary was directed to take the necessary steps to get authority from the Treasury to collect the cost of publication of the Schemes finally approved by the Lord Lieutenant on May 19, 1888.

The Secretary was directed to obtain from the Secretary of the Stenlens Academy any documents or information which might be useful to the Commissioners, should they undertake to prepare a Draft Scheme for that Institution.

The Commissioners adjourned.

GERALD FITZGIBSON,

May 28, 1888.

Wm. Edward Ellis, Secretary.

May 28, 1888.

Meeting of the Commission held this day at their Offices, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGIBSON, Rev. Dr. MOLLOY, Dr. TRAILL,  
Professor DOUGHERTY.

Minutes of the preceding meeting read and confirmed.

Letters read—

Rev. David H. Powell (May 25) sending name of representative of St. Mary, Shandon, Select Vestry, Cork, for the Governing Body of the Cork Parochial Schools.

Rev. Thos. J. Jones (May 25), and Rev. H. B. Carter, as to vested interests for pupils studying for exhibitions at the Royal School, Dungannon.

Ordered—That the Rev. Mr. Carter and the Rev. Mr. Jones be informed that when the Scheme for the Royal School Endowments comes forward for the consideration of objections and amendments their letters will be considered.

The Draft Scheme for the Royal Irish Academy of Music and Coulson Bequest was considered.

The Commissioners adjourned.

GERALD MOLLOY,

May 31, 1888.

Wm. Edward Ellis, Secretary

May 31, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGIBBON, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read:—

The Clerk of the Privy Council (May 28), enclosing copies of Schemes Nos. 11, 12, 13, 14, 16, 17, 19, 20, and 25, as finally approved by the Lord Lieutenant.

Rev. Canon EVANS, Cork (May 29), as to corrections in his evidence.

Miss M. J. E. Winstoby, Rockville Seminary, Cork (May 29), as to corrections in her evidence.

Letter (May 30) read from the Clerk of the Privy Council asking what reply should be given to a letter enclosed by him from the Rev. Wm. E. Ledger, as to the Scheme for Most School, Lisnaskea, provisionally approved by the Lord Lieutenant in Council.

Reply, as drafted, to be sent.

Letter (May 28) read from John Cooke (unofficial) to the Assistant Secretary, as to the Draft Scheme for the Gwyn and Young Endowments.

Instructions were given to the Assistant Secretary to send, unofficially, a reply as drafted.

Letter (May 20) read from E. M. Johnson as to Inspectorships under the Act.

To be informed that the appointment of Inspectors rests entirely with the Lord Lieutenant, and this Commission has no information on the subject.

Letter (May 30) read from F. W. Leeper, Esq., Secretary, Diocesan Council of Dublin, as to the incorporation of Diocesan Trustees for Educational purposes.

The Secretary was directed to send a reply, as drafted.

Letter (May 30) read from Rev. John H. Thorpe, St. Peter's, Cork, as to a non-educational Endowment in his parish.

To be informed that under the Statute if he desires the existing non-educational trust to be altered, his consent to the alteration should be furnished to the Commissioners, and that if he specifies the alteration he desires, the Commissioners will consider whether they can give effect to his wishes.

The Draft Scheme for the Baltimore Fishery School, county Cork, was considered and amended.

The Commissioners adjourned.

GERALD FITZGIBBON,

June 1, 1888

Wm. Edward Ellis, Secretary.

June 1, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGIBBON, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letter (May 31) read from Rev. Canon C. B. Harley, sending name of representative of Holy Trinity School Vestry, Cork, for the Governing Body of the Cork Parochial Schools.

Letter (May 31) read from Rev. Canon Babington as to Educational Endowments in the Diocese of Derry being placed under the management of the Governing Body of the Robertson Endowments in the Diocese of Raphoe.

The Secretary was directed to send a reply, as drafted.

Letter (May 31) read from W. J. Valentine, Esq., Assistant Master, Portora Royal School, as to his vested interests.

To be informed that his objection will be considered with the other objections to the Draft Scheme for the Royal School Endowments.

It was ordered that the following Draft Schemes be published on the 4th June:—

No. 35.—"The Robertson Endowments" for Schools in the Diocese of Raphoe and county of Donegal.

No. 36.—"The Queen-street National School, Lurgan."

No. 37.—"The High School for Girls, Cork."

No. 38.—"The Baltimore Fishery School" in the county of Cork.

No. 39.—"The Royal Irish Academy of Music and the Coulson Endowment."

No. 40.—"The Londoniery Academic Institution."

The Commissioners adjourned.

JOHN NAIRN,

June 4, 1888.

Wm. Edward Ellis, Secretary.

June 4, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGERALD, Lord Justice NAESH, Rev. Dr. MOLLOY,  
Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letters read:—

Rev. J. C. McCreane (May 31) sending name of representative of St. Paul's Select Vestry, Cork, for the Governing Body of the Cork Parochial Schools.

J. O. Semarville (June 3) sending name of representative of St. Nicholas' Select Vestry, Cork, for the Governing Body of the Cork Parochial Schools.

Rev. Jos. A. Gallenath, Registrar, T.C.D. (June 2) as to Draft Scheme for Kilkenny College.

The Commissioners adjourned.

JOHN NAESH,

June 11, 1888.

Wm. Edward Ellis, Secretary.

June 8, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGERALD, Rev. Dr. MOLLOY, Dr. TRAILL.

Letters read:—

Messrs. Carson and McDowell (June 5) and Rev. John Kingston (June 6), as to the Scheme for Ulster Society returned with a declaration from the Lord Lieutenant.

The Secretary of the Treasury (June 6) as to refunds from Governing Bodies for publication of Draft Schemes.

Letter (June 5) read from Hugh Robinson, Registrar, Royal Belfast Academical Institution.

Reply, as drafted, ordered to be sent.

Letter (June 6) read from J. Whiteside Dunc, Solicitor, as to form and time of making objections to the Draft Scheme for Royal School Endowments.

Reply, as drafted, to be sent.

Letter (June 6) read from Rev. Canon Babington as to Endowments in the Diocese of Derry.

To be informed that the Commissioners can only incorporate a Governing Body for the management of some existing endowment, and, therefore, if it is desired to incorporate such a body for the Diocese of Derry the first step would be to provide some endowment to be vested in it, and that if it is once formed it can be empowered to hold other property.

A printed paper with reference to Baltimore Fishery School, handed in by Mr. Vincent Scully, was laid before the Commission.

The Commissioners adjourned.

JOHN NAESH,

June 11, 1888.

Wm. Edward Ellis, Secretary.

June 11, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice NAESH, Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of two preceding meetings read and confirmed.

Letters read:—

J. Charles Rowe (June 8), sending name of representative of the Select Vestry of the Parish of St. Anne, Shandon, Cork, for the Governing Body of the Cork Parochial Schools.

Rev. Canon Gregg, sending names of persons to be the first Governors in the Draft Scheme in preparation for the Roxborough Road School, Limerick.

Letter (June 8) read from the Secretary Loan Fund Board of Ireland as to the circumstances of the transfer of the Aghada Loan Fund to the Trustees of the Baltimore Fishery School.

To be informed that his letter will receive attention, and that the Commissioners were not supplied with any accurate statement of the trusts of the above fund when the Draft Scheme for the Baltimore Fishery school was being prepared.

Letter (June 8) read from Rev. S. Cuthbert Mitchell as to the date and place when the objections to the Draft Scheme for the Royal School Endowments will be gone into.

To be informed that the Commissioners have not yet fixed any date or place, but that when fixed he will receive due notice.

The Report of the Inspector of the National Education Board as to the Crofton Endowed School, and Carrane Male and Female National Schools, Macroom, was laid before the Commission.

The Secretary was directed to write to the Secretaries, National Education Board, thanking them for same.

The Draft Scheme for the Clonmel Endowed School was considered and amended.

The Commissioners adjourned.

JOHN NAISH,

June 15, 1888.

Wm. Edward Ellis, Secretary.

June 15, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGERSON, Lord Justice NAISH, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read:—

The Right Rev. M. F. Day, D.D., Bishop of Cuthbert (June 13) as to the Alcock-Endowment, Waterford.

Sir Andrew S. Hart, Vice-Provost (June 11), enclosing copies of resolutions passed by Board of Trinity College, Dublin, as to Kilkenny College.

The Secretaries, Commissioners of Charitable Donations and Bequests (June 8), as to Draft Scheme for the Villiers' Institutions, Limerick.

The Under Secretary, Dublin Castle (June 13), as to presenting Annual Report of the Commissioners.

Letter (June 13) read from William Wilson, Esq., as to applying portion of the Royal School Endowments to endowing Knockdrough School, Co. Donegal.

To be informed that the Royal School Endowments do not appear applicable to the purposes mentioned in his letter.

Letter (June 11) read from Viscount de Vesci as to time of holding sitting in reference to Ballyroan Endowed School, Queen's County.

A reply, as desired, to be sent.

The Draft Scheme for the Church of Ireland Jubilee Fund was considered, amended, and finally approved.

The hearing of the objections to the Draft Scheme published by the Commission for the Royal School Endowments was provisionally fixed.

The Commissioners adjourned.

J. B. DOUGHERTY,

June 19, 1888.

Wm. Edward Ellis, Secretary.

June 19, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGERSON, Lord Justice NAISH, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read:—

John Cooke, Esq., LL.B. (June 15), and Messrs. F. and K. Beld, Solicitors (June 15), as to the Draft Scheme for Gwynne and Young Endowments.

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Letter (June 15) read from the Secretaries, Commissioners of Charitable Donations and Requests as to the Draft Scheme published for the Royal Irish Academy of Music and Choral Endowment.

A reply, as drafted, ordered to be sent.

Letter (June 16) read from Very Rev. the Dean of Elphin as to holding an inquiry at Elphin or Dublin.

A reply, as drafted, ordered to be sent.

Questions submitted by the Assistant Commissioners relating to the Crofton Endowed School, Macroom, and Rahon School, Co. Cork, were considered.

It was ordered:—That a copy of the proposed Draft Scheme for the Church of Ireland Victoria Jubilee Fund be forwarded to Mr. W. G. Brooke, Honorary Secretary of the Committee of the Fund, stating that before publishing same it will be necessary for the existing Governing Body to intimate in writing their consent that the endowment should be dealt with under the Act.

The Secretary was directed to write to the Secretary of the Diocesan Council of Down and Connor, asking him to send three names of representatives of the Diocesan Council; to the Rev. E. F. Simpson, Ballymena, asking him to send three names of representatives of the Presbytery; and to the Town Clerk of Ballymena, asking him to send two names of representatives of the Ballymena Town Commissioners, all to be named on the proposed Governing Body for the Ballymena Diocesan School.

The Secretary was also directed to write to the Secretary of the Diocesan Council of Cork, Cloyne, and Ross, calling his attention to the case of the Aghorn and Britway Parochial School, Co. Cork, and stating that it appears to the Commissioners to be one suitable for vesting in the body proposed to be incorporated for holding the like endowments throughout the diocese, and that he will oblige by taking the opinion of the Diocesan Council on the matter, and by furnishing the Commissioners with a list of the endowments which the Diocesan Council would propose to have vested in this body.

The Commissioners adjourned.

JOHN NASH,

June 25, 1888.

Wm. Edward Ellis, Secretary.

June 21, 1888.

#### PUBLIC SITTING.

Meeting of the Commission held this day at the Endowed School, Oldcastle.

Present:—Lord Justice FITZGERSON, Lord Justice NASH, Rev. Dr. MOILLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Mr. J. S. Macartney, Shorthand Writer, was in attendance.

#### OLDCASTLE ENDOWED SCHOOL.

The following witnesses were sworn and examined:—

W. J. de Vere, Secretary to Trustees.  
Mrs. Mary Ryan, Head Mistress.  
Rev. T. G. Dardin, M.A., Rector of Oldcastle.  
Rev. L. Graham, F.R.

The Commissioners adjourned.

GERALD MOILLOY,

July 31, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

June 21, 1888.

PUBLIC SITTING.

Meeting of the Commission held this day at Dempsey's Male School, Kells.

Present:—Lord Justice FITZGIBSON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Mr. J. S. Macartney, Shorthand Writer, was in attendance.

DEMPSEY'S SCHOOLS, KELLS.

The following witnesses were sworn and examined:—

William Ford, Esq.  
Rev. L. Gaughrea, R.E.  
Rev. Brother J. P. O'Brien.

The Commissioners adjourned.

GERALD MOLLOY,  
July 31, 1888.

N. D. Murphy, Junr.,  
Chief Clerk and Assistant Secretary.

June 22, 1888.

Meeting of the Commission held this day at the Russell Arms Hotel, Navan.

Present:—Lord Justice FITZGIBSON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Letter read from the Rev. E. Irwin with regard to the Inquiry to be held regarding  
Bishop Hedden's Grammar School, Elphin, ordered:—

That Mr. Irwin and all others concerned be informed that the Inquiry will not be held  
until October.

The Commissioners adjourned.

GERALD MOLLOY,  
July 31, 1888.

N. D. Murphy, Junr.,  
Chief Clerk and Assistant Secretary.

June 22, 1888.

PUBLIC SITTING.

Meeting of the Commission held this day at the Courthouse, Navan.

Present:—Lord Justice FITZGIBSON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Dr. TRAILL, Professor DOUGHERTY.

Mr. J. S. Macartney, Shorthand Writer, was in attendance.

NAVAN ENDOWED SCHOOL.

Rev. J. B. Keene, M.A., Rector of Navan and Head Master, was sworn and examined.

FLOWER HILL SCHOOL.

Rev. J. B. Keene, M.A., Rector of Navan, was sworn and examined.

ST. FINIAN'S SEMINARY.

Rev. B. Duff was sworn and examined.

The Commissioners adjourned.

GERALD MOLLOY,  
July 31, 1888.

N. D. Murphy, Junr.,  
Chief Clerk and Assistant Secretary.

June 23, 1888.

Meeting, without notice, of the Commission held this day at their Offices, 23, Nassau-street, Dublin.

Present :—Lord Justice FITZGIBSON, Professor DOUGHERTY.

The Draft Schemes for the Villiers' Charitable Institution, Limerick, and Guy's Free School, Ballymena, were considered and amended, and it was ordered :—

That these Schemes be submitted for final approval on Wednesday next.

The Commissioners adjourned.

JOHN NAIRN,

June 25, 1888.

Wm. Edward Ellis, Secretary.

June 25, 1888.

Meeting of the Commission held this day at their Offices, 23, Nassau-street, Dublin.

Present :—Lord Justice FITZGIBSON, Lord Justice NAIRN, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the meeting held on June 19 and of the preceding meeting read and confirmed.

The Draft Scheme for the Ballymena Collegiate School was considered.

The Secretary was directed to write to the Clerk to the Ballymena Town Commissioners asking him whether Mr. John Galt is still a member of the Town Commissioners of Ballymena, and likely to act as a member of the governing body of the above school, and if not, whether there is any other member of the Town Commissioners, a former subscriber to the school, who would be willing to act on the governing body.

It was resolved :—

That Draft Schemes mentioned in a list submitted be advanced, with a view to publication early in August.

The Commissioners adjourned.

JOHN NAIRN,

June 27, 1888.

Wm. Edward Ellis, Secretary.

June 27, 1888.

Meeting of the Commission held this day at their Offices, 23, Nassau-street, Dublin.

Present :—Lord Justice FITZGIBSON, Lord Justice NAIRN, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read :—

Sir James Allport (June 21) acknowledging receipt of Draft Scheme for Baltimore Fishery School.

Very Rev. The Dean of Elphin (June 24) as to Inquiry to be held at Elphin.

H. P. Kennedy, solicitor (June 22) stating that he has been instructed to act for the Roman Catholic Board in the case of the Royal School Endowments Scheme.

W. G. Brooke (June 21) giving consent of the Committee of the Church of Ireland Jubilee Fund to the said Endowment being dealt with under the Act.

J. Whiteside Dunn, solicitor (June 23) wants copy of original Charter relating to the Royal Schools.

Rev. James Wilson (June 25) gives names of the first Presbyterian Representatives to act on the Governing Body for the Clonmel Endowed School.

Rev. L. C. Warren (June 25) gives names of the Representatives of the Select Vestry to act on the Governing Body for the Clonmel Endowed School.

Very Rev. The Dean of Cork (June 21) sending name of representative of the Select Vestry of St. Finn Barr's Parish, Cork, for the Governing Body of the Cork Parochial Schools.

Rev. E. F. Simpson (June 26) giving names of the first Presbyterian Representatives to act on the Governing Body for the Ballymena Collegiate School.

Objections and amendments to the Draft Scheme published by the Commission for the Royal School Endowments were read from the following:—

The Most Rev. Dr. O'Donnell, Bishop of Raphoe (June 23).  
The Secretary, Commissioners of Education (June 21).  
Rev. B. McNaughton, V.P., Omagh (June 22).  
Wm. M. Mitchell, Architect to the Commissioners of Education.

The Secretary was directed to write to Mr. Henry T. Dix, Solicitor to the Incorporated Society for promoting English Protestant Schools in Ireland, asking him for the loan of the book in which the instruments relating to the property of the Society are copied.

The Commissioners adjourned.

GERALD FITZGERALD,

Wm. Edward Ellis, Secretary.

JUNE 29, 1888.

JUNE 29, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGIBBON, Lord Justice NARR, Rev. Dr. MOLLOY,  
Dr. TRAHL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Objections to the Draft Scheme published by the Commission for the Royal School Endowments were submitted from the following bodies and persons:—

Rev. Henry McNeese, Armagh (June 27).  
P. King Joyce, Head Master, Banagher (June 27).  
Rev. W. Lowry Berkeley, on behalf of Raphoe Royal School Committee (Protestant).  
Rev. S. Cuthbert Mitchell (June 27), on behalf of Protestant Inhabitants of Enniskillen.  
Rev. Samuel Beal (June 28) on behalf of Protestants of West Donegal.  
Mr. John McLaughlin, Enniskillen Royal School.  
Wm. Browne, Assistant Master, Dungannon (June 28).  
T. O. Gumbler, Assistant Master, Dungannon (June 28).  
Messrs. H. T. Dix and Son, solicitors (June 28), on behalf of Thomas Gordon, Assistant Master, Arragh.  
James Henry, solicitor (June 28), on behalf of Intermediate Education Committee of the General Assembly of the Presbyterian Church in Ireland.  
The Most Rev. Dr. McGinnis, Bishop of Kilmore (June 28).  
Very Rev. The Dean of the Chapel Royal (June 29), on behalf of the Standing Committee of the General Synod of the Church of Ireland.  
Messrs. H. T. Dix and Son, solicitors (June 29), on behalf of the Diocesan Councils of Armagh, Glaghair, and Derry.

Letters read:—

Rev. E. F. Simpson (June 28), giving additional names for Governing Body of Ballymena Collegiate School.  
The Town Clerk of Ballymena (June 28) as to Mr. John Galt, Ballymena.  
Alexander Gault (June 28), forwarding amended list of subscribers to the funds of Ballymena Collegiate School.  
Rev. Latham C. Warren (June 27), giving names for Governing Body of Glanmalur Endowed School.  
Rev. J. M. Jackson, giving particulars as to schools in Beltrabur, County Carlin.  
Sir Samuel Hayes, Bart. (June 27), as to error in second schedule of Draft Scheme for the Robertan Endowments, County Donegal.  
George Harrison (June 27), enclosing objections on behalf of the Board of Proprietors to the Draft Scheme for the High School for Girls, Cork.  
Rev. John Carson (June 28), giving name of the representative of the Wesleyan Methodist Church, Clonmel, to be placed on the Governing Body of the Glanmalur Endowed School.  
Messrs. Mansfield and Son, solicitors (June 28), as to Rainey's Charity, Magherafelt.  
The Secretaries, Commissioners of Charitable Donations and Bequests (June 29), as to amount of the Primrose Robinson Loan Fund, Armagh, now in their hands.

Letter (June 28) read from Rev. H. Henry, D.D., President Standing Committee of Catholic Head Masters, giving notice that they intend to object to the Draft Scheme for the Royal School Endowments.

To be informed that the Act of Parliament requires that all objections to Draft Scheme should be made to the Commissioners in writing.

It was ordered:—

That the following Draft Schemes be first published on the 2nd July:—

- No. 41.—"The Church of Ireland Victoria Jubilee Fund"; for the Education of Children of the Clergy.
- No. 42.—"The Villiers' Charitable Institutions, Limerick."
- No. 43.—"Guy's Free School, Ballymena," in the County of Antrim.
- No. 44.—"The Ballymena Collegiate School," in the County of Antrim.
- No. 45.—"The Clonmel Endowed School," in the County of Tipperary.

The publication to be effected in the usual way.

The Commissioners adjourned.

GERALD MOLLOY,

Wm. Edward Ellis, Secretary.

July 3, 1888.

July 3, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Rev. Dr. MOLLOY, Professor DOUGHERTY.

Objections to the Draft Scheme published by the Commission for the Royal School Endowments were submitted from the following bodies and persons:—

- Rev. W. H. Hutchinson, Hon. Sec., Diocesan Council of Kildare (June 28).
- Richard Biggs, Hon. Sec., Schoolmasters' Association (June 28).
- Rev. H. Henry, M.A., on behalf of the Trustees of St. Malachy's College, Belfast, and of the Catholics of Down and Antrim (June 29).
- Rev. J. E. Rafferty, Hon. Sec., Standing Committee of Catholic Head Masters (June 29).
- Rev. Wallace McMillan, on behalf of the Committee of the Methodist Conference (June 30).
- Rev. J. A. Weir, LL.M., Head Master, Raphoe (June 27).
- J. P. Ringwood, Solicitor on behalf of F. H. Ringwood, Dungannon, Head Master (June 30).
- Messrs. Kelly and Lloyd, Solicitors on behalf of Rev. W. Moore Morgan, M.A., Head Master, Armagh (June 30).
- Messrs. Kelly and Lloyd, Solicitors on behalf of Rev. Wm. Steele, M.A., Head Master Enniskillen (June 30).
- Jacob Orr, on behalf of Protestants of Dungannon and surrounding districts (June 29).
- W. H. Gunning, Assistant Master, Dungannon (June 29).
- M. Beckett, M.A., Assistant Master, Dungannon (June 28).
- M. Washin, Drill Sergeant, Dungannon (June 29).
- J. C. Fox and Elias Fox, Townswill National School (June 29).

Letter (June 29) read from His Grace Dr. Logan, Archbishop of Armagh, enclosing objections to the Draft Scheme for the Royal School Endowments, and asking that they should be substituted for those lodged on His Grace's behalf by the Rev. Henry McNeenan, and that the latter be returned.

Ordered:—That His Grace's request be complied with.

Letter (July 2) read from the Most Rev. Dr. Donnelly, Bishop of Clogher, asking that the sitting to hear the objections to the Draft Scheme for the Royal School Endowments be put off to August 6.

Reply, as drafted, to be submitted to the Judicial Commissioners for approval.

Letter (July 3) read from His Grace Dr. Walsh, Archbishop of Dublin, asking the Commissioners to allow His Grace an opportunity of offering suggestions on points dealt with in the Draft Scheme for the Royal School Endowments, and directing the attention of the Commissioners to certain matters connected therewith.

Reply, drafted, to be submitted to the Judicial Commissioners for approval.

Letter read from R. C. Mills, as to Rahon Parochial School, County Cork.

The Commissioners adjourned.

J. B. DOUGHERTY,

Wm. Edward Ellis, Secretary.

July 6, 1888.

July 5, 1888.

Stated attendance of the Commissioners held this day at their office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGIBBON, Professor DOUGHERTY.

The heads of a Scheme for the Educational Endowments in the Diocese of Meath were considered, and the Secretary was directed to send a letter, as drafted, to the Secretary of the Representative Church Body in reference to the subject.

GERALD FITZGIBBON,

July 9, 1888.

Wm. Edward Ellis, Secretary.

July 6, 1888.

Meeting of the Commissioners held this day at their Office, 23, Nassau-street, Dublin.

Present:—Rev. Dr. MOLLOY, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read:—

Hugh Robinson, Registrar, Royal Dublin Academic Institution (July 3), sending list of office hours of that Institution.

Venerable W. C. Gorman, Archbishop of Ossory (July 3), as to Thomastown Parochial School.

John Hewitt (July 3), as to the exhibitions for pupils at the Dungannon Royal School.

Rev. R. S. D. Campbell (July 3), sends heads of Scheme for St. Mary's Parochial School, Athlone.

Rev. L. C. Warren (July 4), as to Draft Scheme published for Clonmel Endowed School.

Francis E. Tydd (July 3), as to Draft Scheme published for the Clonmel Endowed School.

Rev. Robert King (July 3), as to the Draft Scheme published for the Ballymore Collegiate School.

Vincent Scully (July 3), stating he does not intend to act on Governing Body of Baltimore Fishery School, Cork.

Letter (July 3) read from Rev. A. J. Moore as to the Scheme for the Nicholson Memorial School, Lisburn.

A reply, as drafted, ordered to be sent.

The objections and amendments to the Draft Scheme for the Royal School Endowments were submitted, and directions were given to have them printed in the shape in which they are to appear in the appendix to the Report, and circulated before the public sitting.

The Commissioners adjourned.

GERALD FITZGIBBON,

July 9, 1888.

Wm. Edward Ellis, Secretary.

July 9, 1888.

Meeting of the Commissioners held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGIBBON, Lord Justice NAISH, Rev. Dr. MOLLOY.

Minutes of preceding meeting read and confirmed.

Letters read:—

F. W. Leeper, Dublin Diocesan Council (July 6) as to Educational Endowments in the Diocese of Dublin.

Rev. Thomas Browne, F.R. (July 7) as to Scheme for Mangret College, Limerick.

Rev. W. Moore Morgan (July 7) as to the time fixed for hearing the objections lodged to the Draft Scheme for the Royal School Endowments.

An objection to the Draft Scheme published by the Commission for the Royal School Endowments was submitted from the Most Rev. Dr. Donnelly, Bishop of Clogher.

A Public Sitting was fixed to be held at the Ballyroan Endowed School on Saturday, July 29, at 12 o'clock, the same to be advertised in the usual way.

Letter (July 6) read from the Right Hon. Viscount de Vesci, as to holding a public enquiry into the Ballyroan Endowed School.

To be informed that the Commissioners have fixed a Public Sitting to be held at Ballyroan Endowed School, on Saturday, July 28, at 12 o'clock, of which due notice will be given to all parties interested.

The Secretary was directed to write in terms, as drafted, to all persons objecting to the provisions in the Draft Scheme for the Royal School Endowments, dealing with vested interests, asking for information for each of the five years ending Midsummer, 1888, regarding their respective endowments.

The Commissioners adjourned.

GERALD MOLLOY,  
July 13, 1888.

Wm. Edward Ellis, Secretary.

July 13, 1888.

Meeting of the Commissioners held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGERBON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Professor DOUGHERTY.

Minutes of the preceding meeting read and confirmed.

Letters read:—

R. Bagwell, Esq. (July 9) as to the description of property in the Draft Scheme for Clonsilla Endowed School.

Most Rev. Dr. Walsh, Archbishop of Dublin (July 10) enclosing a formal objection to the Draft Scheme for the Royal Schools Endowments.

G. M. McGrady, Solicitor (July 10) as to his costs in connection with the Scheme for Tullyvin and Benbawn Schools.

Rev. J. Redmond, a.s., to Dr. Molloy (July 11) as to Margret College, Limerick.

Letter read from Mr. A. Caruth, Solicitor, asking that the Minute Book of the Committee of Ballymena Diocesan School be returned to him.

Ordered:—That the book be returned.

Letter [July 13] read from Messrs. Maunsell and Son, as to Rainey School, Magherafelt.

A reply, as drafted, ordered to be sent.

The Secretary was directed to write a letter, as drafted, to each of the clergymen whose names are mentioned in the prospectus of Munster Agricultural School as its Honorary Chaplains.

Directions were given as to the insertion in the Appendix to the forthcoming Report of certain documents relating to the Endowments enquired into during the current year.

The Commissioners adjourned.

JOHN NAISH,  
July 18, 1888.

Wm. Edward Ellis, Secretary.

July 18, 1888.

Meeting of the Commissioners held this day at their office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGERBON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read:—

W. M. Mitchell, Esq. (July 14) as to his vested interests as Architect to the Commissioners of Education.

Rev. E. J. Cochrane (July 13) objecting to the Scheme for the Robertson Endowments.

A. M'Vicker, on behalf of Managers of the Academic Institution, Londonderry (July 13), sending objections to the Draft Scheme for that Institution.

Rev. A. Jago, a.s. (July 14) objecting to the Scheme for the Robertson Endowments.

J. M. Weir (July 16) as to expenditure by him upon the premises of Kilkenny College, and the payment to him of arrears of salary as Head Master.

W. Browne, Esq., Assistant Master, Cavan Royal School (July 14), replying to circular as to vested interests recently sent to him.

Rev. G. W. Hooley (July 16) as to the Chaplaincy at Munster Agricultural School.

The Right Rev. Dr. Pakenham Walsh, Bishop of Ossory (July 17) naming representatives of the Ossory Diocesan Council upon the Governing Body of Kilkenny College.

Letter (July 14) read from E. Bates, Esq., giving information as to the payment of the rentcharge comprised in the endowment of Drullacourt School, Armagh.

Ordered:—That inquiry be made from the Commissioners of Charitable Donations and Bequests as to the application of the non-educational part of the rentcharge.

Letter (July 15) read from the Rev. J. Dowd, Secretary, Limerick Diocesan Council, asking for the incorporation of Diocesan Trustees to hold the property belonging to the Parochial Schools in the diocese of Limerick.

To be requested to furnish full descriptions of the property to be vested in the proposed body.

A statement (July 16) was read from the Most Rev. Dr. Ryan, Bishop of Killaloe, claiming on behalf of Killaloe Diocesan College, Ennis, a share of the Erasmus Smith's Endowment.

Reply, as drafted, ordered to be sent.

With reference to a letter received by Dr. Molloy from Mr. George Cree, Hon. Sec. Royal Irish Academy of Music, directions were given to the Secretary to write to Mr. Cree suggesting that the interview with Dr. Molloy which he proposes should not take place until after the conference of the Academy with the Corporation and Coulson Trustees.

The Draft Scheme for Rainey School, Magherafelt, was considered and amended, and the Secretary was directed to write to the Salters' Company, in terms as drafted, asking them to name three or four suitable persons to represent their Endowment.

The Draft Scheme for Kilkenny College was finally approved, subject to the alteration of the clause for competition for admission at half fees.

The Draft Scheme for Thomastown Parochial School was finally approved, subject to the insertion of names upon the Governing Body.

The Commissioners adjourned.

J. B. DOUGHERTY,

Wm. Edward Ellis, Secretary.

July 20, 1888.

July 20, 1888.

Meeting of the Commission held this day at their office, 35, Nassau-street, Dublin.

Present:—Lord Justice FITZGERSON, Lord Justice NAHEW, Rev. Dr. MOLLOY, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read:—

The Clerk of the Privy Council (July 16), stating that Schemes Nos. 18, 22, 23, 26, 30, 31, 32, and 33, have been finally approved by the Lord Lieutenant in Council.

The Clerk of the Privy Council (July 18), fixing sitting of Privy Council as to the Scheme for Nicholson Memorial School for July 26.

Rev. M. Kerr, as to the Chaplaincy at Munster Agricultural School (July 18).

Rev. A. Jagoe (July 18), sending objections to the Draft Scheme for the Robertson Schools.

C. Hennig, Assistant Master at Portora Royal School (July 18), as to his emoluments.

W. J. Valentine, Assistant Master at Portora Royal School (July 18), as to his emoluments.

P. K. Joyce, Head Master, Banagher Royal School (July 19), as to his emoluments.

Letter (July 17) read from Captain R. T. Carew, as to the Mason Charity, Waterford.

Reply, as drafted, ordered to be sent.

Letter (July 18) read from Rev. J. W. Atkin, asking when the Barry Baldwin Endowment is to be dealt with.

To be inferred that the Endowment will be brought before the Commissioners for consideration as soon after the vacation as the course of business will permit.

Letter read from Ven. W. C. German, Archbishop of Osnabrück, sending names for the Governing Body of Thomastown Parochial School.

To be asked for another name, as the Churchwardens will be *ex-officio* Governors, one of those named by him being a churchwarden.

The Commissioners adjourned.

J. B. DOUGHERTY,

Wm. Edward Ellis, Secretary.

July 26, 1888.

July 26, 1888.

Meeting of the Commission held this day at their offices, 23, Nassau-street, Dublin.

Present :—Lord Justice FITZGERDON, Lord Justice NAIRN, Rev. Dr. MOLLOY,  
Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read :—

- The Secretary, Representative Church Body (July 26).
- Ven. W. C. Gorman, Archbishop of Overy (July 26), sending additional name for the proposed Governing Body of Thurstown Parished School.
- M. Bookett (July 21), Assistant Master at Dungannon Royal School, as to his emoluments.
- Michael Whelan (July 21), Drill Master at Dungannon Royal School, as to his emoluments.
- W. H. Gunning (July 21), Assistant Master at Dungannon, as to his emoluments.
- Thomas Gordon (July 21), Assistant Master at Armagh Royal School, as to his emoluments.
- The Clerk of the Privy Council, Dublin Castle (July 25), postponing sitting of Privy Council to hear the objections lodged against the Scheme for the Nicholson School, Lisburn, from 23rd inst. to August 2, 1888.
- Very Rev. J. W. Murray, Dean of Cource (July 23), making objections to the Draft Scheme published for Gay's Free School, Ballymena.
- Messrs. Kelly and Lloyd, Solicitors (July 25), asking on behalf of some of the Head Masters of the Royal Schools extension of time to send in returns asked for by the Commission.
- Rev. R. C. Baillie (July 23), calling attention to a mistake in the Draft Scheme published for the Robertson Endowments, County Donegal.
- J. P. Ringwood (July 25), asking on behalf of Rev. Dr. Ringwood extension of time in which to send in returns asked for by the Commission.
- T. C. Gumbler, Assistant Master at Dungannon Royal School, as to his emoluments.
- Rev. J. A. Weir, Head Master Raphoe Royal School, as to his emoluments.
- The Secretary, County Waterford Grand Jury (July 24), sending resolution passed by Grand Jury at the late Assizes as to the Ministerial Dairy and Agricultural School.
- The Secretary, Commissioners of Education (July 25), making a statement with regard to the vested interests of Mr. Fleming, clerk in their office.
- Francis E. Tyld, Solicitor (July 24), sending objections to the Draft Scheme published by the Commission for the Clonmel Endowed School.
- Captain R. T. Carver (July 25) as to Mason Charity, Co. Waterford.
- Edward L. Scott, Clerk to the Salters' Company (July 24), as to Rainey School, Magherafelt.

Letter (July 20) read from the Secretaries, Commissioners of Charitable Donations and Bequests, as to the Driniscourt Charity, Armagh.

A letter asking for further information regarding this Endowment was directed to be sent as drafted.

Letters read from J. W. Dunn, Solicitor, and Rev. S. Outsherb Mitchell, as to hearing the objections to the Scheme for the Royal School Endowments.

A letter as drafted was directed to be sent to each of the above, stating that the whole of the objections would be gone into at the same time, and that it would not be possible to make any division beforehand of the subjects for consideration.

Letter (July 24) read from the Secretaries, Commissioners of Charitable Donations and Bequests, as to costs in connexion with the hearing of the objections of their Board to the Scheme framed by the Judicial Commissioners for Morgan's and Mercer's Schools.

Reply, as drafted, ordered to be sent.

The Draft Scheme for the Rainey School, Magherafelt, was considered, and it was resolved :—

That the Scheme for the Rainey School, Magherafelt, be altered by confining it to the existing Rainey Endowment.

The Commissioners adjourned.

GERALD FITZGERDON,

August 1, 1888.

Wm. Edward Ellis, Secretary.

July 28, 1888.

## PUBLIC SITTING.

Meeting of the Commission held this day at Ballyroan School-house.

Present:—Lord Justice FITZGERBON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Professor DOUGHERTY.

Mr. Wm. C. Johnston, Shorthand Writer, was in attendance.

## BALLYROAN ENDOWED SCHOOL.

Lord Justice FitzGibbon made an introductory statement.

The following witnesses were sworn and examined:—

John D. Lyons, Head Master.  
 Rev. James Laker, F.R., Abbeyfeix.  
 Very Rev. Andrew Phelan, V.P., F.R., Maryborough.  
 Captain J. L. Blund.  
 William Davison, Esq.  
 Right Hon. Viscount de Vaux.  
 Rev. E. L. Evans.  
 Dr. Jacob.  
 James McMahon, Esq.

The Commissioners adjourned.

GERALD MOLLOY,  
 July 31, 1888.

N. D. Murphy, Junr.,  
 Chief Clerk and Assistant Secretary.

July 28, 1888.

Meeting of the Commission held this day.

Present:—Lord Justice FITZGERBON, Lord Justice NAISH, Rev. Dr. MOLLOY,  
Professor DOUGHERTY.

Letter read from the Rev. S. Cuthbert Mitchell, Hon. Sec. Local Committee of Protestant Denominations, Enniskillen, with regard to the objections to the Royal Schools Endowments Scheme, and asking to have a conference arranged between the Commissioners and certain members of his Committee.

Letter, as drafted, directed to be sent.

The Commissioners adjourned.

GERALD MOLLOY,  
 July 31, 1888.

N. D. Murphy, Junr.,  
 Chief Clerk and Assistant Secretary.

July 31, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGERBON, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the meetings held at Oldcastle, on June 21; at Kells, on June 21; at Navan, on June 22, and at Ballyroan, on July 28, read and confirmed.

Letters read:—

W. H. Porter (July 27), and Rev. Henry F. Macdonald (July 26), sending objections and amendments to the Draft Scheme published for the Robertson Endowments, County Donegal.  
 Rev. Robert King (July 26), as to the Draft Scheme published for the Ballymena Collegiate School.

Rev. Abraham Jago (July 26), sending additional amendments to Draft Scheme published for the Robertson Endowments, County Donegal.

Rev. James Robertson (July 27), as to the Chaplaincy at Monaster Agricultural School.

Messrs. Kelly and Lloyd, Solicitors (July 30), sending returns as to the emoluments of the Head Masters of the Royal Schools of Armagh, Cavan, and Enniskillen.

J. P. Ringwood (July 30), sending return as to the emoluments of the Head Master of Dungannon Royal School.

Letter (July 27) read from Rev. Thomas J. Jones, stating that through illness he cannot attend sitting to be held on Thursday, August 2, and asking if he should send a medical certificate.

To be informed that he need not send a medical certificate, and that his letter will receive due consideration.

Letter (July 23) read from P. King Joyce, asking if he should attend personally at sitting to be held on Thursday, August 2.

To be informed that it is entirely for himself to determine whether he will attend personally in support of his objection, or give any further evidence in support of it.

Letter (July 26) read from T. C. Gumbler, as to whether he should employ counsel at the sitting to be held on Thursday or not.

To be informed that it is entirely for himself to determine whether he will employ a solicitor or counsel to represent him.

It was agreed:—

That Lord Justice FitzGibbon and Dr. Molloy should hold a sitting to confer with the parties interested in the Royal Irish Academy of Music and the Conleah Endowment with respect to the Draft Scheme published for those Endowments.

The Draft Scheme for Rainey School, Magherafelt, was considered.

The Commissioners adjourned.

GERALD FITZGIBBON,

August 1, 1888.

Wm. Edward Ellis, Secretary.

August 1, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGIBBON, Lord Justice NAIRN, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of July 26 and of the preceding meeting read and confirmed.

Letters read:—

The Secretaries, Commissioners of Charitable Donations and Bequests (July 31), as to Drifincourt Charity.

J. C. Fox and Elias Fox, Townsweil School (July 31), stating they cannot attend sitting to be held on August 2.

Very Rev. Dr. Chadwick, Dean of Armagh (July 30), as to the Drifincourt Charity.

Letter (July 31) read from G. M. McGusty, solicitor, asking for a certificate of his attendance before the Commission during the preparation of the Scheme for the Tullyvin and Benbawn Schools.

Ordered that a certificate, as required by Mr. McGusty, be prepared and sent to him.

The Draft Scheme for the Rainey School, Magherafelt, was amended and approved.

The Commissioners adjourned.

GERALD FITZGIBBON,

August 9, 1888.

Wm. Edward Ellis, Secretary.

August 2, 1888.

#### PUBLIC SITTING.

Meeting of the Commission held this day at the Court of Chancery, Four Courts, Dublin.

Present:—Lord Justice FITZGIBBON, Lord Justice NAIRN, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Mr. B. W. McDermott, Shorthand Writer, was in attendance.

#### THE ROYAL SCHOOL ENDOWMENTS, AND OTHER EDUCATIONAL ENDOWMENTS ADMINISTERED BY THE COMMISSIONERS OF EDUCATION IN IRELAND.

On the consideration of the objections and amendments proposed in the case of the Draft Scheme published for the future government and management of these Endowments.

Lord Justice FitzGibbon made an introductory statement.

The following bodies and persons were represented as under, or appeared in person:—

The Commissioners of Education in Ireland, by James Orr, q.c. (instructed by Archibald Robinson, solicitor).

The Standing Committee of the General Synod of the Church of Ireland, by the Ven. J. George Scott, D.D., Archbishop of Dublin.

The Diocesan Councils of Armagh, Clogher, and Derry, by E. T. Bewley, M.B., q.c. (instructed by Messrs. H. T. Dix and Sons, solicitors).

The Diocesan Council of Kilmore, by John Ross, Esq. (instructed by Richard Allen, solicitor).

The Intermediate Education Committee of the General Assembly of the Presbyterian Church in Ireland, by James J. Shaw, M.B. (instructed by James Henry, solicitor).

The Methodist Conference, by R. T. Robertson, Esq. (instructed by Messrs. Cronhelm, Sons, and Tobias, solicitors).

The Most Rev. Dr. Legan, Archbishop of Armagh, by John Roche, q.c. (instructed by William Gallagher, solicitor).

The Most Rev. Dr. Walsh, Archbishop of Dublin.

The Most Rev. Dr. Donnelly, Bishop of Clogher, by R. P. Carton, q.c. (instructed by John F. Wray, solicitor).

The Most Rev. Dr. McGinnis, Bishop of Kilmore, by Michael Drummond, Esq. (instructed by H. P. Kennedy, solicitor).

The Most Rev. Dr. O'Donnell, Bishop of Raphoe, by Rev. Professor Maguire of Maynooth.

The Very Rev. R. McNamee, F.F., V.F., Omagh.

The Raphoe Royal School Committee (Protestant), by Rev. W. L. Berkeley, Hon. Secretary.

The Local Committee of Protestant Denominations in the county of Fermanagh, by John Atkinson, q.c. (instructed by J. W. Dane, solicitor).

William M. Mitchell, Esq., Architect to the Commissioners of Education, by A. H. Bates, Esq. (instructed by Messrs. Davis and Mansford, solicitors).

Rev. W. Moore Morgan, M.A., and Rev. F. H. Ringwood, by Right Hon. Samuel Walker (instructed by Messrs. Kelly and Lloyd, and by J. P. Ringwood).

Rev. William Steele, M.A., by Sergeant Campion, q.c. (instructed by Messrs. Kelly and Lloyd, solicitors), James McIvor, Esq., also appeared on behalf of Dr. Steele.

Rev. J. A. Weir, M.A., by John Ross, Esq. (instructed by Archibald Collins, solicitor).

Rev. W. Prior Moore, M.A., by E. T. Bowley, M.A., q.c. (instructed by Messrs. Kelly and Lloyd, solicitors).

P. King Joyce, Esq., M.A.

T. Gordon, Esq., M.A., by John Stanley, Esq. (instructed by Messrs. H. T. Dix and Son, solicitors).

W. H. Gunning, Esq., M.A., by A. H. Bates, Esq. (instructed by J. W. Dane).

M. Broderick, Esq., M.A., T. C. Gumbler, Esq., W. J. Valentine, Esq., M.A., and C. Hennig, Esq., by R. M. Dunn, Esq. (instructed by J. W. Dane, solicitor).

Letters (Aug. 1) were read from the Rev. Dr. Henry, President, St. Malachy's College, Belfast, and from the Rev. Dr. Hassan, President, St. Columba's College, Londonderry, stating they could not attend the sitting.

The Commissioners adjourned.

GERALD FITZGERBON,

August 9, 1888.

Wm. Edward Ellis, Secretary.

August 3, 1888.

#### PUBLIC SITTING.

Meeting of the Commission held this day at the Court of Chancery, Four Courts, Dublin.

Present:—Lord Justice FITZGERBON, Lord Justice NAIRN, Rev. Dr. MOLLOY,

Dr. TRAILL, Professor DOUGHERTY.

Mr. B. W. McDermott, Shorthand Writer, was in attendance.

#### THE ROYAL SCHOOL ENDOWMENTS, AND OTHER EDUCATIONAL ENDOWMENTS ADMINISTERED BY THE COMMISSIONERS OF EDUCATION IN IRELAND.

On the further consideration of the objections and amendments proposed in the case of the Draft Scheme, published by the Commission for the future government and management of these Endowments:—

The various bodies and persons were represented or appeared in person, as at the preceding sitting.

The Commissioners adjourned.

GERALD FITZGERBON,

August 9, 1888.

Wm. Edward Ellis, Secretary.

August 4, 1888.

#### PUBLIC SITTING.

Meeting of the Commission held this day at the Court of Chancery, Four Courts, Dublin.

Present:—Lord Justice FITZGERBON, Lord Justice NAIRN, Rev. Dr. MOLLOY, Professor DOUGHERTY.

Mr. B. W. McDermott, Shorthand Writer, was in attendance.

#### THE ROYAL SCHOOL ENDOWMENTS, AND OTHER EDUCATIONAL ENDOWMENTS ADMINISTERED BY THE COMMISSIONERS OF EDUCATION IN IRELAND.

On the further consideration of the objections and amendments proposed in the case of the Draft Scheme published by the Commission for the future government and management of these Endowments:—

The various bodies and persons were represented or appeared in person, as at the preceding sittings.

The Commissioners adjourned.

GERALD FITZGERBON,

August 9, 1888.

Wm. Edward Ellis, Secretary.

August 7, 1888.

PUBLIC SITTING.

Meeting of the Commission held this day at the Court of Chancery, Four Courts, Dublin.

Present:—Lord Justice FITZGERSON, Lord Justice NAISH, Rev. Dr. MOLLOY, Professor DOUGHERTY.

Mr. B. W. McDermott, Shorthand Writer, was in attendance.

THE ROYAL SCHOOL ENDOWMENTS, AND OTHER EDUCATIONAL ENDOWMENTS ADMINISTERED BY THE COMMISSIONERS OF EDUCATION IN IRELAND.

On the further consideration of the objections and amendments proposed in the case of the Draft Scheme published by the Commission for the future government and management of the Royal Schools Endowments:—

The various bodies and persons were represented or appeared in person, as at the preceding sittings.

PRIVATE MEETING.

Letters read:—

Rev. Canon Balington (August 6) as to Diocesan Library formerly at Raphoe Royal School.

Venerable The Archbishop of Armagh (August 6) giving returns as to the population of County Armagh.

Letter (August 1) read from Rev. Thomas Eaton, as to the representatives of the Presbyterian Church on the proposed Governing Body of the Ballynana Collegiate School.

A reply, as drafted, directed to be sent.

The Draft Scheme for the Sullivan Schools, Holywood, was considered and approved.

A letter, as drafted, was directed to be sent to the Most Rev. Dr. McAlister, Bishop of Down, Connor, and Dromore, and to the Rev. P. O'Lavery, when transmitting to them copies of the Draft Scheme for Sullivan School.

The Commissioners adjourned.

GERALD FITZGERSON,

August 9, 1888.

Wm. Edward Ellis, Secretary.

August 9, 1888.

PUBLIC SITTING.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGERSON, Rev. Dr. MOLLOY, Professor DOUGHERTY.

Mr. James S. Macartney, Shorthand Writer, was in attendance.

THE ROYAL IRISH ACADEMY OF MUSIC AND THE COULSON BEQUEST.

On the consideration of the objections and amendments proposed in the case of the Draft Scheme for these Endowments:—

The Council of the Royal Irish Academy of Music were represented by:—

Sir Francis W. Brady, Bart.

George Crox, Esq., M.P.

D. B. Dunne, Esq., M.D.

Henry Mooney, Esq.

R. W. W. Littledale, Esq., M.D.

T. R. G. Jock, M.B.A., Secretary.

The Corporation of Dublin were represented by:—

Alfred V. B. Dillon.

Alfred Winstanley.

Sir George B. Owens.

Robert Sutton, Esq.

J. F. Beveridge, Esq., Town Clerk.

Mr. Walker, solicitor, represented Colonel Ward, executor of R. S. Coulson.

There were also present Mr. Joseph Smith (M.B.A.), Professor Brendan Rodgers, Mr. Houghton, and Mr. John O'Donnell.

PRIVATE SITTING.

Minutes of the five preceding meetings read and confirmed.

Letters read:—

Rev. N. W. Carré (Aug. 7) as to the evidence given by him in the case of the Phileborough Smiley and Daily Schools.

The Clerk of the Privy Council (Aug. 7), as to presenting the Annual Report of the Commissioners to Parliament.

Rev. A. Montgomery (Aug. 7), giving names for the proposed Governing Body for the Rainey School, Magherafelt.

Rev. Thomas Jordan (Aug. 8), as to the Draft Scheme for the Rainey School, Magherafelt.

Rev. William Steele (Aug. 9), as to compensation for his vested interests.

Letter (Aug. 7) read from Rev. C. Davis, P.P., as to sending in objections to the Draft Scheme published for the Baltimore Fishery School.

A reply, as drafted, directed to be sent.

Letter (Aug. 8) read from the Secretary, Commissioners of Education, as to the Draft Scheme published for the Clonmel Endowed School.

Reply, as drafted, ordered to be sent.

A letter, as drafted, was directed to be sent to the Clerk of the Salters Company, London, when transmitting a copy of the Draft Scheme about to be published for the Rainey School, Magherafelt.

A letter, as drafted, was also directed to be sent to W. J. Knight, LL.B., Hon. Sec. Green Coat Hospital, when transmitting to him a copy of the Draft Scheme about to be published for the Cork Parochial Schools, &c.

The Commission made arrangements for the holding of Public Sitings in October, in the following localities:—Mullingar, Sligo, Boyle, Elphin, Galway, and Tuam, at which places inquiries will be held and evidence taken with respect to the Educational Endowments in each locality; and orders were given that these sittings should be duly advertised in the Dublin and local newspapers.

It was also resolved:—

That unless otherwise ordered the Commission should leave town on October 8.

The Commissioners adjourned.

GERALD FITZGERBON,

October 1, 1888.

Wm. Edward Ellis, Secretary.

August 10, 1888.

Meeting of the Commission held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGERBON, Professor DOUGHERTY.

It was ordered:—

That the following Draft Schemes be first published on the August 13:—

No. 46.—"Kilkenney College."

No. 47.—"The Parochial Schools of the City of Cork; The Green Coat Hospital, Cork; The Cork Grammar School; and Beestridge's Charity, Cork."

No. 48.—"Rainey's School, Magherafelt," in the County of Londonderry.

No. 49.—"The Thomastown Parochial School," in the County of Kilkenny.

No. 50.—"The Drinahoe, Mall, and Callan-street Schools, Armagh; and "Primrose Robinson's Armagh Loan Fund."

No. 51.—"The Sullivan Schools," Holywood, in the County of Down.

No. 52.—"The Rochelle Seminary," Cork.

And instructions were given as to the mode of publication.

The Commissioners adjourned.

GERALD FITZGERBON,

October 1, 1888.

Wm. Edward Ellis, Secretary.

September 13, 1888.

Stated attendance of the Commissioners held this day at their Office, 23, Nassau-street, Dublin.

Present:—Lord Justice FITZGERBON.

The days and hours for the Public Sitings in the West of Ireland already arranged, were fixed, and instructions were given to the Secretary to have the following advertisement inserted in the Dublin papers, and also so far as they concern each locality in its local newspaper:—

NOTICE is hereby given that the Commissioners will hold Public Sitings at the following places, on the days and at the hours named, for the purpose of taking evidence respecting the undermentioned Endowments:—

MULLINGAR.—At the Court House:—

Monday, October 8, at 11 o'clock, A.M.

Hervey's Institution.

Wilson's Hospital, Multyfernham.

Farrs School, Buncrana (Incorporated Society).

Meath and Ardsagh Diocesan Free School.

Westmeath Protestant Orphan Society.

Belvedere Orphan Institution, Tyrrell's Pass.

SLIGO.—At the Court House :—

Tuesday, October 9, at 11 o'clock, A.M.

Erasmus Smith's School.  
Ballinacry National School, Calry.  
Sligo Diocesan Free School.  
Primrose Grange School (Incorporated Society).  
College of the Immaculate Conception.  
Castlesconner and Kilglin Schools (Valentine Endowment).  
Manorhamilton National School.

BOYLE.—At the Court House :—

Wednesday, October 10, at 10.30 o'clock, A.M.

Boyle Academical Institution.

ELPHIN.—At the School :—

Wednesday, October 10, at 2.30, P.M.

Bishop Heddon's Grammar School.

NEWTOWN FERRER.—At the School :—

Thursday, October 11, at 12.30, P.M.

Lisnaboe Endowed School.  
Clontumpler School (West Endowment).

GALWAY.—In the County Grand Jury Room :—

Friday, October 12, at 11 o'clock, A.M.

Purson Pursee's Charity (Ellerton School).  
Erasmus Smith's Grammar School.  
Lombard-street National School.  
St. Ignatius' College.  
St. Joseph's Seminary.  
Christian Schools, Clarendbridge.  
Rockfield Institution, Clifden.

TUAM.—At the Court House :—

Saturday, October 13, at 12.15, P.M.

Tuam Diocesan Free School.  
St. Jarlath's College, Tuam.  
Bequest by the late Arthur Netterville Blake.

At the above-mentioned sittings inquiries will be held with regard to the Endowments mentioned in this notice, with a view to the consideration of schemes for their future management; and the Commissioners will receive evidence with respect to these and other endowments from persons interested in education.

GERALD FITZGERDON,

October 1, 1888.

Wm. Edward Ellis, Secretary.

September 24, 1888.

Stated attendance of the Commissioners held this day at their Office, 23, Nassau-street, Dublin.

Present :—Lord Justice FITZGERDON.

Instructions were given to the Secretary as to the preparation of the Draft Annual Report for the year 1887-8, in order that it may be published and circulated before the meeting of Parliament on November 6, 1888.

GERALD FITZGERDON,

October 1, 1888.

Wm. Edward Ellis, Secretary.

September 27, 1888.

Stated attendance of the Commissioners held this day at 23, Nassau-street, Dublin.

Present :—Lord Justice FITZGERDON, Dr. MOLLOY.

The heads of the Annual Report for the year 1887-8, were considered, and directions were given to the Secretary to draft clauses in connection with such heads.

Directions were also given with regard to certain documents to be printed in the Appendix to the Report.

GERALD FITZGERDON,

October 1, 1888.

Wm. Edward Ellis, Secretary.

# PART III MINUTES OF THE JUDICIAL COMMISSIONERS.

October 11, 1887.

Meeting of the Judicial Commissioners held this day at Cruise's Hotel, Limerick.  
Minutes of preceding meeting read and confirmed.  
The Scheme for the Craggan School, Londonderry, was considered.

GERALD FITZGERBON.

October 15, 1887.

Wm. Edward Ellis, Secretary.

October, 15, 1887.

Meeting of the Judicial Commissioners held this day at the Imperial Hotel, Cork.  
Minutes of preceding meeting read and confirmed.

The Schemes for the following Endowments were considered and amended:—

- No. 8. Ulster Society, Belfast.
- No. 11. Currie School, Belfast.
- No. 12. Hibernian Marine Society, Dublin.
- No. 13. Watts's Endowed School, Lurgan.
- No. 16. Methodist College, Belfast.
- No. 17. Lifted Endowed Schools, County Donegal.

GERALD FITZGERBON,

October 18, 1887.

Wm. Edward Ellis, Secretary.

October 18, 1887.

Meeting of the Judicial Commissioners held this day at the Imperial Hotel, Cork.  
Minutes of preceding meeting read and confirmed.  
The Scheme for the Craggan School, Londonderry, was considered and approved.

GERALD FITZGERBON,

October 22, 1887.

Wm. Edward Ellis, Secretary.

October 22, 1887.

Meeting of the Judicial Commissioners held this day at the Imperial Hotel, Cork.  
Minutes of preceding meeting read and confirmed.  
The Schemes for the following Endowments were considered and approved:—

- No. 8. Ulster Society, Belfast.
- No. 11. Currie School, Belfast.
- No. 12. Hibernian Marine Society, Dublin.
- No. 13. Watts's Endowed School, Lurgan.
- No. 14. Claremont Institution, County Dublin.
- No. 16. Methodist College, Belfast.
- No. 17. Lifford Endowed Schools, County Donegal.
- No. 20. Colman's Academical Institution.

GERALD FITZGERBON,

October 26, 1887.

Wm. Edward Ellis, Secretary.

October 26, 1887.

Meeting of the Judicial Commissioners held this day at Hearn's Hotel, Clontarf.  
Minutes of preceding meeting read and confirmed.  
The Scheme for the Monaghan Collegiate School was considered and approved.

GERALD FITZGERSON,  
October 29, 1887.

Wm. Edward Ellis Secretary.

October, 29, 1887.

Meeting of the Judicial Commissioners held this day at the Offices, 23, Nassau-street, Dublin.  
Minutes of preceding meeting read and confirmed.  
Schemes framed by the Judicial Commissioners for the future government and management of the following Endowments were duly signed:—

- No. 11. The Currie School, Belfast.
- No. 12. The Hibernian Marine Society, Dublin.
- No. 13. Watts's Endowed School, Lurgan.
- No. 14. The Clarendon Institution for the Education of the Deaf and Dumb, Dublin.
- No. 15. The Methodist College, Belfast.
- No. 17. The Lifford Endowed Schools.
- No. 19. The Collegiate School, Monaghan.
- No. 20. The Calverine Academical Institution.
- No. 25. The Craggan School, Londonderry.

The Secretary was directed to forward the above Schemes to the Chief Secretary to the Lord Lieutenant for his Excellency's approval, with the usual letter.

GERALD FITZGERSON,  
November 22, 1887.

Wm. Edward Ellis, Secretary.

November 22, 1887.

Meeting of the Judicial Commissioners held this day at the Offices, 23, Nassau-street, Dublin.  
Minutes of preceding meeting read and confirmed.  
Mr. George K. Magee was appointed to take a shorthand report of the sitting of the Commission to be held on Saturday, November 25.

GERALD FITZGERSON,  
December 17, 1887.

December 17, 1887.

Meeting of the Judicial Commissioners held this day at the Offices, 23, Nassau-street, Dublin.  
Minutes of preceding meeting read and confirmed.  
Mr. Henry Hunt was appointed to take a shorthand report of the sitting of the Commission to be held on Monday, January 9, 1888, and following day.

GERALD FITZGERSON,  
December 19, 1888.

Wm. Edward Ellis, Secretary.

December 19, 1887.

Meeting of the Judicial Commissioners held this day at the Offices, 23, Nassau-street, Dublin.  
Minutes of preceding meeting read and confirmed.  
Arrangements were made for the closing of the Office during the usual Christmas holidays.

GERALD FITZGERSON,  
December 22, 1888.

Wm. Edward Ellis, Secretary.

December 22, 1887.

Meeting of the Judicial Commissioners held this day at the office, 23, Nassau-street Dublin.

Minutes of preceding meeting were read, and

A letter of this day's date was read from the Clerk of the Privy Council as to the objection lodged by the Commissioners of Charitable Donations and Bequests, with regard to the provision of future alternation of Schemes.

A reply, as drafted, was ordered to be sent.

GERALD FITZGERDON,

January 7, 1888.

Wm. Edward Ellis, Secretary.

January 7, 1888.

Meeting of the Judicial Commissioners held this day at the Four Courts, Dublin.

Minutes of preceding meeting read and confirmed.

#### NO. 8.—ULSTER SOCIETY FOR THE DEAF AND DUMB.

The Scheme remitted by the Lord Lieutenant in Council, with a declaration dated October 11, 1887, was amended, and the Secretary was directed to forward copies of the amended Scheme to Messrs. Carson and McDowell, Solicitors, and to the Rev. Mr. Kingham, Secretary of the Society, requesting the suggestion of a name in place of Mr. Ross, Q.C., Recorder of Belfast, deceased, and asking to have the Recitals and Schedules duly certified and sent in, with the final observations of the Governors, on or before January 28.

#### NO. 28.—BELFAST ROYAL ACADEMY.

The Draft Scheme was amended, and the Secretary was directed to send a copy of the revised Scheme to each of the objecting parties, stating that the Scheme has been carefully considered by the Commissioners with a view to give effect as far as possible to the wishes of those concerned, and that as a general rule it seems desirable that the Teaching Body should be represented on the Governing Body, and that the existing position of the Principal ought not to be affected without his own consent; that the Commissioners have therefore felt it impossible to remove the *ex-officio* Governors as proposed, but that they have modified Clause 6, and introduced a new Clause 9, which they think will give effect, as far as is expedient, to the view of the objectors upon this point, and asking to have the Recitals and Schedules duly certified, and sent in, on or before January 28.

#### NO. 15.—ROYAL BELFAST ACADEMICAL INSTITUTION.

The Draft Scheme was amended, and the Secretary was directed to send a copy of the revised Scheme to each of the objecting parties, stating that the Judicial Commissioners have, so far as they felt it in their power, amended the Scheme so as to carry out the wishes of those interested, and asking to have the Recitals and Schedules duly certified, and sent in, on or before January 28.

#### NO. 26.—THE DUBLIN WORKING BOYS' HOME AND HARDING BEQUEST.

The Secretary was directed to order two copies of the Scheme on thick paper for signature.

#### NO. 31.—MOAT SCHOOL, LIENASTRA.

The Draft Scheme was amended, and the Secretary was directed to send a copy of the revised Scheme to the Incumbent of the Parish of Linskeas and to the Earl of Erne, stating that in deference to the wish of the Earl of Erne and of Mr. Trench, that their names should not be placed on the list of Governors, the constitution of the Governing Body has been modified; that having regard to the foundation and circumstances of the school, the Commissioners have thought it right to secure to the Earl of Erne for the time being, if at any time desirous to have a place, or to be represented on the Governing Body, the right so to do, and they hope the Scheme as amended will be found to meet the wishes of those interested in the School; and that any observations received on or before January 28, will be considered.

The observations on the objections lodged with the Privy Council against Schemes Nos. 11, 12, 13, 14, 16, 17, 18, 20, and 25, were finally revised, and ordered to be sent to the Clerk of the Privy Council.

GERALD FITZGERDON,

January 18, 1888.

Wm. Edward Ellis, Secretary.

January 18, 1888.

Meeting of the Judicial Commissioners held this day at the Four Courts, Dublin.

Minutes of preceding meeting read and confirmed.

## No. 21.—NICHOLSON MEMORIAL SCHOOL, LISHURN.

The Draft Scheme was amended, and the Secretary was directed to send a copy of the revised Scheme to each of the objecting parties, stating that the Scheme has been carefully reconsidered and amended with a view to give effect to the intentions of the founder, and to preserve the rights of those claiming through her, while utilising the school-house for the purposes of a daily school, for which it is so much required, and also that the Judicial Commissioners will be glad to have any observations on the amended Scheme which it may be desired to submit to them on or before January 28.

## No. 22.—LADIES' INDUSTRIAL SCHOOL, BELFAST.

The Draft Scheme was amended, and the Secretary was directed to send a copy revised as soon as possible, in duplicate, to Mr. Brett, informing him that the Scheme has been carefully reconsidered and amended with a view to give full effect to the wishes of the Trustees and Lady Governors as expressed in his former letters, and to enable them to continue the existing system of keeping a portion of the endowments under the control of the Trustees, and another portion at the disposal of the Lady Governors, and requesting him to fill up the blanks in the Schedule and to certify the Recitals and Schedules as now finally settled, and to send them in with any further observations on or before January 28.

GERALD FITZGERSON,

January 19, 1888.

Wm. Edward Ellis, Secretary.

January 19, 1888.

Meeting of the Judicial Commissioners held this day at the Four Courts, Dublin.

Minutes of preceding meeting read and confirmed.

## No. 18.—MERCHANT TAILORS' SCHOOL, DUBLIN.

The Draft Scheme was amended, and the Secretary was directed to send a copy to Mr. Mackkullen, Hon. Sec., informing him that the Scheme has been carefully revised with a view to preserve the vested interests referred to in the objection by the Governors dated August 12, 1887, as required by the Educational Endowments (Ireland) Act, and also to give effect to the other amendments suggested by the Governors, and to request that the Scheme with the Recitals and Schedules certified to be correct may be returned on or before January 28.

GERALD FITZGERSON,

January 21, 1888.

Wm. Edward Ellis, Secretary.

January 21, 1888.

Meeting of the Judicial Commissioners held this day at the Four Courts, Dublin.

Minutes of preceding meeting read and confirmed.

## No. 30.—TULLIVIN AND BENBAWN SCHOOLS.

The Draft Scheme was amended and the Secretary was directed to send a copy of the revised Scheme to the Rev. Mr. Sanders, informing him that the Commissioners have carefully amended the Scheme with a view to carry out the views presented at the recent public sitting, and to give effect so far as seemed advisable to the wishes of the proposed Governing Body, and that the Commissioners would be glad to have any final observations that may occur to Mr. Sanders, or the other Governors, on or before January 28, also to send a copy to the Commissioners of Education stating that it has been amended to give effect to their objections.

## No. 32.—ST. PETER'S SCHOOLS AND MRS. WRAY'S SCHOOL, DUBLIN.

The Draft Scheme was amended and the Secretary was directed to send a copy of the revised Scheme to the Incumbent of St. Peter's, with a request that he will furnish written consent of Incumbent and Churchwardens signed, in form to be sent him, and to state that the Scheme has been carefully amended so as to give effect to the wishes of those interested so far as was agreed on at the public sitting.

## No. 23.—MAGEE PRESBYTERIAN COLLEGE.

The Draft Scheme was amended, and the Secretary was directed to send a copy of the revised Scheme to the Trustees, with a request that same, finally considered, may be returned in time for signature on January 23.

## No. 33.—LAUREL HILL SCHOOL, COLERAINE.

The Draft Scheme was amended, and the Secretary was directed to send a copy of the revised Scheme to Mr. Kyle, his Solicitors, and the Governors, stating that the Scheme has been revised with reference to the several points of objection, and will, as amended, be considered on Saturday next, January 23, at the hour appointed for the public sitting, with a view to its being then finally settled.

GERALD FITZGIBSON,

January 23, 1888.

Wm. Edward Ellis, Secretary.

January 23, 1888.

Meeting of the Judicial Commissioners held this day at the Four Courts, Dublin.

Minutes of preceding meeting read and confirmed.

Mr. Henry Hunt appointed to take a shorthand report of the sitting of the Commission to be held on Saturday, January 23, 1888.

Letter (January 21) read from Sir Patrick Maxwell, Solicitor to the Commissioners of Charitable Donations and Bequests, as to the Draft Scheme for the Bertrand Female Orphan School.

To be informed that the Judicial Commissioners will consider his letter carefully in revising the Scheme for the Bertrand Female Orphan School, of which they propose to send an amended copy to the Commissioners of Charitable Donations and Bequests for their observations before signing it.

GERALD FITZGIBSON,

January 24, 1888.

Wm. Edward Ellis, Secretary.

January 24, 1888.

Meeting of the Judicial Commissioners held this day at the Four Courts, Dublin.

Minutes of preceding meeting read and confirmed.

Printed communication (Jan. 23) received from the Head Masters of the Royal Schools as to further provision for Intermediate Education in Ireland.

To be informed that the Commissioners have no power to deal with the "Church Surplus Fund," and, therefore, cannot give effect to their memorial; but that, if they will refer to the memorandum dated November 30, 1886, addressed by the Commissioners to the Chief Secretary of the Lord Lieutenant (Second Report, p. xii.), they will observe that the Commissioners have already called attention to the "special claim against whatever residue may yet remain of the Church Surplus" that it should be applied for purposes of Intermediate Education, and to the facilities for so applying it through the exceptional powers of the Educational Endowments Act.

GERALD FITZGIBSON,

January 28, 1888

Wm. Edward Ellis, Secretary.

January 28, 1888.

## PUBLIC SITTING.

Meeting of the Judicial Commissioners held this day at the office, 23, Nassau-street, Dublin.

Mr. Henry Hunt, Shorthand Writer, was in attendance.

## No. 33.—LAUREL HILL SCHOOL, COLLEGEVILLE.

Mr. Crookshank (Messrs. Crookshank and Leech), attended on behalf of Rev. Robert Kyle, and objected to a paragraph in the Scheme which held his client responsible for the sum of £232 12s. 7d.

Mr. Crookshank made a statement.

## PRIVATE MEETING.

Minutes of preceding meeting read and confirmed.

## Letters read:—

Messrs. Carson and McDowell (January 27), } as to the revised Scheme for the Ulster  
 Rev. John Kingham, Principal (January 27), } Society.  
 Mr. Workman, Secretary (January 26), as to the revised Scheme for the Royal Belfast  
 Academical Institution.  
 Charles H. Brett (January 25), as to the revised Scheme for the Ladies' Industrial School.  
 The Secretary, Commissioners of Education (January 27), as to the revised Scheme for the  
 Tullyvin and Benbawn Schools.

Letters were read from the following parties interested, as to the revised Scheme for the Nicholson Memorial School, Lisburn:—

Rev. A. J. Moore (January 26), Rev. W. D. Ponsden (January 27), Rev. John H. Seymour  
 (January 26), and Rev. E. Maxwell (January 25).

Replies, as drafted in each case, ordered to be sent.

Letter (January 26) read from Messrs. L'Estrange and Brett, Solicitors, as to the revised Scheme for the Belfast Royal Academy.

Reply, as drafted, ordered to be sent.

Letter (January 27) read from Rev. Wm. C. Ledger, as to the revised Scheme for the Mount School, Lisnakea.

Reply, as drafted, ordered to be sent.

Letter (January 26) read from Rev. F. A. Sanders, stating that a meeting of the Governors of the Tullyvin and Benbawn Schools cannot be held to consider the revised Scheme until next week.

Reply, as drafted, ordered to be sent.

The Secretary was directed to send a copy of the revised Scheme for the Tullyvin and Benbawn Schools to Colonel Clements, stating that the Commissioners are anxious to sign the Scheme within a week, but would like to have his views if he can send them to the Commissioners before they sign it.

GERALD FITZGERSON,  
 February 8, 1888.

Wm. Edward Ellis, Secretary.

February 1, 1888.

Meeting of the Judicial Commissioners held this day at the Four Courts, Dublin.

Letter (January 30) read from the Clerk of the Privy Council, Dublin Castle, enclosing copy of a petition from the Schoolmasters' Association to the Lord Lieutenant as to the clauses in the Schemes published by the Commissioners dealing with the dismissal of Head Masters.

Reply, as drafted, ordered to be sent.

Letter (January 31) read from Rev. F. A. Sanders on behalf of Governing Body, as to the revised Scheme for Tullyvin and Benbawn Schools.

GERALD FITZGERSON,  
 February 8, 1888.

Wm. Edward Ellis, Secretary.

*February 7, 1888.*

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Letter (February 4) read from Rev. J. H. Bernard, on behalf of the Standing Committee of the General Synod, as to the Schemes for the Tullyvin and Benbawn Schools.

To be informed that the Scheme for the Tullyvin and Benbawn Schools has been accepted by the Commissioners of Education and by the Governing Body, of whom the majority are members of "The Church of Ireland," and it would not be possible for the Commissioners now to re-open the matter without great delay and expense, and that as the Scheme was considered in its several stages at public sittings, of which your Committee had notice, and at some of which they attended, the Commissioners do not feel that it would be reasonable on their part to delay signing it in the form to which all the parties directly interested have agreed.

The Scheme for the Merchant Tailors' School was amended in accordance with the suggestion of the Governing Body, and ordered to be brought up for signature to-morrow.

GERALD FITZGIBSON,

February 8, 1888.

Wm. Edward Ellis, Secretary.

*February 8, 1888.*

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Minutes of the three preceding meetings read and confirmed.

Schemes framed by the Judicial Commissioners for the future government and management of the following Endowments were duly signed:—

No. 8.—The Ulster Society for the Education of the Deaf, Dumb, and Blind (amended Scheme).

No. 15.—The Royal Belfast Academical Institution.

No. 18.—The Merchant Tailors' School, Dublin.

No. 21.—The Nicholas Memorial School, Lisburn.

No. 22.—The Ladies' Industrial School, Belfast.

No. 23.—The Magee Presbyterian College, Londonderry.

No. 26.—The Dublin Working Boys' Home and Harding Technical School.

No. 28.—The Belfast Royal Academy.

No. 30.—The Tullyvin and Benbawn Schools, County Cavan.

No. 31.—The Moat School, Llanuskor.

No. 32.—St. Peter's Schools, and Mrs. Wray's School, Dublin.

No. 33.—The Laurel Hill School, Coleraine.

The Secretary was directed to forward the above Schemes to the Chief Secretary to the Lord Lieutenant for His Excellency's approval, with the usual letter.

Letter (February 2), read from the Secretary of the Treasury asking for particulars of the amounts which can now be recovered from the funds of endowments and repaid to votes in respect of the cost of the publication and circulation of Draft Schemes.

Letter, as drafted, ordered to be sent.

Letter (February 2) read from Rev. Robert Kyle as to the revised Scheme for the Laurel Hill School, Killowen.

GERALD FITZGIBSON,

February 16, 1888.

Wm. Edward Ellis, Secretary.

*February 18, 1888.*

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Minutes of preceding meeting read and confirmed.

Letter (February 12) read from the Under-Secretary, Dublin Castle, as to the appointment of Inspectors of Schools under the Schemes framed by the Commissioners.

Reply, as drafted, ordered to be sent.

GERALD FITZGIBSON,

March 5, 1888.

Wm. Edward Ellis, Secretary.

March 5, 1888.

Meeting of the Judicial Commissioners held this day at the Four Courts, Dublin.

Minutes of preceding meeting read and confirmed.

Mr. William W. Healy, appointed to take a shorthand report of the sitting to be held at Ranelagh School, Athlone, on Monday, March 20.

GERALD FITZGERSON,

March 17, 1888.

Wm. Edward Ellis, Secretary.

March 17, 1888.

Meeting of the Judicial Commissioners held this day at the office, 23, Nassau-street, Dublin.

Minutes of preceding meeting read and confirmed.

It was ordered :—

That the office of the Commission be closed at Easter.

GERALD FITZGERSON,

May 7, 1888.

Wm. Edward Ellis, Secretary.

May 7, 1888.

Meeting of the Judicial Commissioners held this day at the office, 23, Nassau-street, Dublin.

Minutes of preceding meeting read and confirmed.

Mr. George K. Magee, appointed to take a shorthand report of the sitting to be held at Londonderry, on Saturday, May 12.

May 17, 1888.

May 17, 1888.

Meeting of the Judicial Commissioners held this day at the office, 23, Nassau-street, Dublin.

Minutes of preceding meeting read and confirmed.

It was ordered :—

That the office of the Commission be closed at Whitewitide.

GERALD FITZGERSON,

May 19, 1888.

Wm. Edward Ellis, Secretary.

May 19, 1888.

# PUBLIC SITTING.

Meeting of the Judicial Commissioners held this day at the Court House, Londonderry.

## GWYN AND YOUNG ENDOWMENTS.

Mr. George K. Magee, Shorthand-Writer, was in attendance.

\* Mr. J. J. Shaw, M.A. (instructed by Kelso Reid, Solicitor), appeared for the Trustees of Gwyn's Institution, and made a statement.

Mr. J. Cooke, B.L. (instructed by Kelso Reid, Solicitor), appeared for the Executors of John Young's will, and made a statement.

Mr. J. Cooke, J.P., Waterloo-place, made a statement.

Mr. Reid, made a statement.

GERALD FITZGERSON,

May 30, 1888.

Wm. Edward Ellis, Secretary.

May 30, 1888.

Meeting of the Judicial Commissioners held this day at the office, 23, Nassau-street, Dublin.  
Minutes of preceding meeting read and confirmed.

The Secretary was directed to send the following letter to the Rev. John Kingham :—

I am directed by the Commission to forward to you for the consideration of the Ulster Society for the promotion of the education of the Deaf and Dumb and the Blind, a copy of a communication from the Clerk of the Privy Council, remitting to my Commissioners the amended Scheme for the management of the Society with a declaration that the same should be modified as noted in page 7 thereof. You will please inform me at your earliest convenience whether the Society has any observation to make in reference to the proposed modification, and to say that if the Commissioners can be assured on sufficient authority that, by the adoption of this declaration the wishes of the Society will be satisfied, they will be prepared to re-submit a Scheme altered in accordance with that declaration.

In consequence of objections having been sent in to the Privy Council on two previous occasions after the Commissioners had been led to believe that the Society had no further objection to offer, I have been directed to send a copy of this communication as well to the solicitor of the Society as to the Principal of the Institution, and to add that the Commissioners cannot hold themselves bound to take the matter into consideration again without a sufficient assurance that there is no further risk of their being misinformed as to the views of the Society.

GERALD FITZGERSON,

JUNE 5, 1888.

Wm. Edward Ellis, Secretary.

JUNE 5, 1888.

Meeting of the Judicial Commissioners held this day at the Four Courts, Dublin.  
Minutes of preceding meeting read and confirmed.

The Secretary was directed to send the following letter to the Secretaries, Commissioners of Charitable Donations and Bequests, with reference to the Villiers' Charitable Institutions, Limerick :—

I am directed to communicate with you in reference to a Draft Scheme at present under consideration of the Educational Endowments Commissioners, for the future government of the endowments of the Villiers Charitable Institutions, Limerick. These endowments consist of a rentcharge of £22 15s. (Irish) issuing out of lands in Limerick, another rentcharge of £340 (Irish) issuing out of lands in Clare and Tipperary, and the residuary property of the founder, Hannah Villiers, now represented by sums of £21,855 11s. 4d., £2,137 11s. 7d., and £3,541, Government stock, all in the name of the Accountant-General to the credit of an administration suit in Chancery, commenced about 1820, and to which the Commissioners of Charitable Donations and Bequests are parties defendant. The trustees of the charity are the Incumbent of St. Matthew's Parish, and the Minister of the Presbyterian Congregation in the City of Limerick, both for the time being, and the rentcharges, with the premises used for the purposes of the Charity, consisting of twelve almshouses and two school-houses in St. Nicholas-street, Limerick, and a female orphanage and two other school-houses in Henry-street, Limerick, are vested in them Trustees. Besides the Almshouses, Orphanage, and Schools, the objects of the Charity include several other charitable purposes in Limerick, and the whole is administered under the direction of Chancery, pursuant to a decree of 1836, and subsequent orders of which the principal are dated in 1844 and 1880. Considerable expense has from time to time been incurred in Chancery proceedings, and substantial charges are involved in passing the Trustees' accounts, obtaining the directions of the Court, from time to time, when required, on the appointment of new trustees and on other occasions. Modifications have already been made in the administration of the trusts, and several changes in matters of detail, owing to changes of circumstances, appear to be now desirable. The Trustees are anxious to avoid the expense of further applications to the Court, and have lodged the Draft Scheme, of which I enclose a copy, with my Commissioners, who have held a public inquiry at Limerick, and are satisfied that the powers of their Act may be exercised with advantage to the charity in enlarging and incorporating the Governing Body, associating some laymen with the existing Trustees and making better provision for the administration of the property. The existing Trustees have proposed to vest all the endowments in this new Governing Body, which they propose shall consist of four members, but my Commissioners are not satisfied that it would be prudent to transfer the Government stock to such a small body, or to relieve them from control. It would, on the other hand, be manifestly advantageous to obviate the expense of the Chancery proceedings, to provide for auditing of the accounts through the Local Government Board, and for inspection under the Endowments Act. My Commissioners think, subject to the approval of your Board, that the safe and economical administration of the money funds might be best secured by transferring the Government Stock, as was done in the case of the Swords Borough Schools endowments, to the Commissioners of Charitable Donations and Bequests, upon trust to pay the income to the Trustees, and I am to inquire whether your Commissioners would see

any objection to the preparation of a Draft Scheme providing for an application to Chancery for such a transfer. Of course the details of the draft would be fully open to consideration; and your Commissioners would have the fullest opportunity of putting forward objections and amendments. But my Commissioners have not thought it right to make the proposal to transfer the funds, as I have mentioned, without, in the first instance, being assured that your Board would be willing to accept them, and I have therefore, respectfully, to invite an expression of opinion upon the subject.

Your Commissioners would further oblige if they could say whether it is according to their practice in such cases to sanction the investment of funds in any securities bearing a higher rate of interest than Government New Stock, as the reduction of the income of this charity through the conversion of the Three per Cents. may seriously affect its efficiency. Any information as to the powers of investment which your Commissioners can accept would therefore be important.

If you can favour me with a reply at an early date, the Draft Scheme may be published within a very short time. Should any further information be desired, or should you wish to see the notes of the evidence taken at the public inquiry, you will kindly let me know.

Mr. James S. Macartney appointed to take a shorthand report of the sittings of the Commission to be held at Oldcastle, Kells, and Navan, on Thursday, June 21, 1888, and following day.

GERALD FITZGERSON,

June 8, 1888.

Wm. Edward Ellis, Secretary.

June 8, 1888.

Meeting of the Judicial Commissioners held this day at the offices, 23, Nassau-street, Dublin.

Minutes of preceding meeting read and confirmed.

The Amended Schemes to be framed by the Judicial Commissioners for the future government and management of the following Endowments:—

No. 8. Ulster Society for promoting the Education of the Deaf and Dumb and the Blind, Belfast.

No. 15. Royal Belfast Academical Institution,

No. 28. Belfast Royal Academy,

were considered and agreed to, and the Secretary was directed to send revised copies to the several parties interested with letters as drafted.

GERALD FITZGERSON,

July 9, 1888.

Wm. Edward Ellis, Secretary.

July 9, 1888.

Meeting of the Judicial Commissioners held this day at the offices, 23, Nassau-street, Dublin.

Minutes of preceding meeting read and confirmed.

The hearing of the objections to the Draft Scheme published by the Commission for the Royal School Endowments was fixed to be held in the Court of Chancery, Four Courts, Dublin, on Thursday, August 2, at 11 o'clock, A.M., and instructions were given for advertising same.

GERALD FITZGERSON,

July 18, 1888.

Wm. Edward Ellis, Secretary.

July 18, 1888.

Meeting of the Judicial Commissioners held this day at the offices, 23, Nassau-street, Dublin.

Minutes of preceding meeting read and confirmed.

Mr. Wm. C. Johnston appointed to take a shorthand report of the sitting of the Commission to be held at Ballyroan, on Saturday, July 28, 1888.

GERALD FITZGERSON,

July 23, 1888.

Wm. Edward Ellis, Secretary.

July 23, 1888.

Meeting of the Judicial Commissioners held this day at the offices, 23, Nassau-street, Dublin.

Minutes of preceding meeting read and confirmed.

The Amended Schemes framed by the Judicial Commissioners for the future government and management of the following Endowments :—

No. 15. Royal Belfast Academical Institution,  
No. 28. Belfast Royal Academy,

and a further Amended Scheme for the future government and management of :—

No. 8. Ulster Society for promoting the Education of the Deaf and Dumb, and the Blind,  
Belfast,

were duly signed, and the Secretary was directed to forward the above Schemes to the Chief Secretary to the Lord Lieutenant, for His Excellency's approval, with the usual letter.

GERALD FITZGERSON,

July 26, 1888.

Wm. Edward Ellis, Secretary.

July 26, 1888.

Meeting of the Judicial Commissioners held this day at the office, 23, Nassau-street, Dublin.

Minutes of preceding meeting read and confirmed.

Mr. R. W. McDermott appointed to take a shorthand report of sittings of the Commission, to be held in the Court of Chancery, Four Courts, Dublin, on August 2, 1888, and following days.

GERALD FITZGERSON,

August 4, 1888.

Wm. Edward Ellis, Secretary.

August 4, 1888.

Meeting of the Judicial Commissioners held this day at the Four Courts, Dublin.

Minutes of preceding meeting read and confirmed.

It was ordered :—

1. That the sittings of the Commission shall be adjourned from Saturday, August 11, to Thursday, September 27.

2. That the office of the Commission shall be open for the transaction of business on Tuesdays and Fridays during above period from twelve to three only.

GERALD FITZGERSON,

August 7, 1888.

Wm. Edward Ellis, Secretary.

August 7, 1888.

Meeting of the Judicial Commissioners held this day at the Four Courts, Dublin.

Minutes of preceding meeting read and confirmed.

Mr. James S. Macartney appointed to take a shorthand report of the sitting of the Commission to be held on Thursday, August 9, 1888.

GERALD FITZGERSON,

August 8, 1888.

Wm. Edward Ellis, Secretary.

August 8, 1888.

Meeting of the Judicial Commissioners held this day at the Four Courts, Dublin.

Minutes of preceding meeting read and confirmed.

The Amended Scheme framed by the Judicial Commissioners for the future government and management of the Nicholson Memorial School, Lisburn, was duly signed and the Secretary was directed to forward it to the Chief Secretary to the Lord Lieutenant for His Excellency's approval, with the usual letter.

GERALD FITZGERSON,

September 24, 1888.

Wm. Edward Ellis, Secretary.

September 24, 1888.

Meeting of the Judicial Commissioners held this day at the office, 23, Nassau-street, Dublin.

Minutes of preceding meeting read and confirmed.

GERALD FITZGERSON,

October 8, 1888.

Wm. Edward Ellis, Secretary.

## PART IV.

## MINUTES OF THE ASSISTANT COMMISSIONERS.

*October 7, 1887.*

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Adjourned.

GERALD MOLLOY,  
November 9, 1887.N. D. Murphy, Junr.,  
Chief Clerk and Assistant Secretary.*November 5, 1887.*

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Heads of a Scheme for the Lurgan Ragged School were submitted and approved, and a Draft Scheme was directed to be prepared.

Adjourned.

GERALD MOLLOY,  
November 9, 1887.N. D. Murphy, Junr.,  
Chief Clerk and Assistant Secretary.*November 9, 1887.*

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of the two preceding meetings read and confirmed.

The M.S. Draft Scheme for Robertson's Schools, county Donegal, was considered and approved, and was ordered to be sent to the Printer.

Adjourned.

ANTHONY TRAILL,  
November 22, 1887.N. D. Murphy, Junr.,  
Chief Clerk and Assistant Secretary.*November 22, 1887.*

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of the preceding meeting read and confirmed.

Letter read :—

Rev. T. Browne, S.R. (Nov. 21), Loughmoe, county Limerick, with regard to Mongret College.

Letter (Nov. 22) read from Theodore Ryland, Esq., with regard to Lady-lane Industrial School, Waterford.

To be informed that if the Commissioners find it necessary to take further evidence as to the School they will be happy to hear him.

The Assistant Commissioners conferred upon the principles on which Draft Schemes for the Kilkenny College and the High School for Girls, Cork, should be prepared, and instructions were given for drafting the Scheme.

Adjourned.

GERALD MOLLOY,

N. D. Murphy, Junr.,

November 29, 1887.

Chief Clerk and Assistant Secretary.

*November 29, 1887.*

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present:—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

The Assistant Commissioners conferred upon the principles on which a Draft Scheme for the Villiers' Schools, Limerick, should be prepared.

A letter was directed to be written to the Accountant General of the High Court of Justice requesting a statement of accounts of the funds belonging to the schools now in his hands.

Adjourned.

GERALD MOLLOY,

N. D. Murphy, Junr.,

November 29, 1887.

Chief Clerk and Assistant Secretary.

*November 29, 1887.*

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present:—Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of the two preceding meetings read and confirmed.

The Assistant Commissioners conferred upon the principles on which a Draft Scheme should be prepared for Crofton's Endowment, Clondrohid.

Inquiry was directed to be made of the Commissioners of Charitable Donations and Bequests as to what funds they now held belonging to the Endowment.

Inquiry was also directed to be made as to whether any representative of Mrs. Crofton now exists, and if so who that representative is.

A letter was directed to be written to Dr. Weir, Kilkenny College, asking for a copy of his appointment as Head Master.

Letter (Nov. 25) was read from Rev. R. F. Clarke, Brinny, County Cork, with regard to a Scheme for Brinny Parochial School.

To be informed that it will be sufficient for him to send in the heads of the Scheme he would suggest.

Adjourned.

ANTHONY TRAILL,

N. D. Murphy, Junr.,

December 6, 1887.

Chief Clerk and Assistant Secretary.

*December 6, 1887.*

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present:—Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letter (Dec. 5) read from the Secretaries, Commissioners of Charitable Donations and Bequests, with regard to the Crofton Endowment, Clondrohid.

It was agreed that a draft letter, in reply, should be prepared and submitted to the full Commission.

The Assistant Commissioners conferred on the heads of a Scheme for the Royal Irish Academy of Music and the Coulson Bequest.

Adjourned.

GERALD MOLLOY,

N. D. Murphy, Junr.,

December 15, 1887.

Chief Clerk and Assistant Secretary.

*December 7, 1887.*

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL.

The Heads of a Scheme for the Mason Blue School, Waterford, were agreed to, and it was also agreed that the Lord Bishop of Cashel, Emly, Waterford and Lismore, should be written to for his consent that the Alcock Endowment be amalgamated with the Mason Endowment.

Adjourned.

GERALD MOLLOY,

December 15, 1887.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

*December 15, 1887.*

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of the two preceding meetings read and confirmed.

The Assistant Commissioners conferred on the Heads of a Scheme for the Baltimore Fishery School, and the Draft Scheme was ordered to be prepared.

Adjourned.

J. B. DOUGHERTY,

December 19, 1887.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

*December 19, 1887.*

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting read and confirmed.

It was agreed—

That the Draft Scheme for the Baltimore Fishery School, for the High School for Girls, Cork, and for the Royal Irish Academy of Music and the Conlon Bequest, be prepared for the printer by the first week in February, 1888.

That the Draft Scheme for the Villiers' Charitable Institution, Limerick, be printed and brought before the Assistant Commissioners during the month of January, 1888.

That the heads of a Scheme for Gay's Free National School, Ballymena, and for the Ballymena Diocesan School, be prepared and brought before the Assistant Commissioners during the month of January, 1888.

Letter (Dec. 16) read from the Roman Catholics of Magherafelt and its neighbourhood with regard to Rainey's School, Magherafelt.

Ordered :—

That the letter be referred to the full Commission.

The Draft Schemes for the Robertson Schools, County Donegal, and for the Lurgan Queen-street National School were discussed and passed.

A letter was directed to be written to the Rev. Mr. Hamill, requesting him to send the particulars of the Lease of the new site proposed to be given by Lord Lurgan for the Lurgan Queen-street National School.

Adjourned.

ANTHONY TRAILL,

December 20, 1887.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

December 20, 1887.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting read and confirmed.

The Draft Scheme for the Mason Elms School, Waterford, was passed and ordered to be sent to the printer.

Adjourned.

J. B. DOUGHERTY,

January 11, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

January 11, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present :—Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting read and confirmed.

Letters read from the following with regard to the Royal School Endowments :—

Rev. W. Moore Morgan, LL.D. (Dec. 30, 1887.)

Rev. F. H. Ringwood, LL.D. (Dec. 20, 1887.)

Rev. W. Steele, M.A. (Dec. 20, 1887.)

Rev. J. A. Weir (Dec. 20, 1887.)

Rev. W. Pricer Moore (Dec. 21, 1887.)

P. King Joyce (Dec. 23, 1887.)

The Secretary, Methodist Conference.

Rev. Wm. Sienle (Dec. 29, 1887.)

Most Rev. Dr. Donnelly, Bishop of Clogher.

Letters also read :—

Commissioners of Charitable Donations and Bequests (Dec. 21, 1887), as to Crofton's Endowment, Macroom.

Sir Thomas F. Brady (Dec. 30), as to Ballymore Fishery School.

The Clerk of the Privy Council (Jan. 3), resmitting the scheme for Morgan's and Mercer's Schools with a declaration.

George Oves, Esq., Hon. Sec. (Jan. 4), as to the Royal Irish Academy of Music.

Rev. A. J. Moore (Jan. 1), as to the Nicholson Endowment.

A Memorial from members of the Select Vestry of Killersherdoney parish, as to Tullyvin and Benbawn Schools.

The Clerk of the Privy Council asking for observations on objections of the Commissioners of Charitable Donations and Bequests to Schemes No. 11, 12, 13, 14, 16, 17, 19, 20, and 23.

Rev. J. H. Seymour and Rev. W. D. Foulson (Jan. 7), as to the Nicholson Endowment, Lisburn.

Letter read from the Secretary, Bratbridge's Charity, Cork, enclosing resolution of the Governing Body that part of the endowment be dealt with by the Commissioners.

To be informed that a Draft Scheme will be settled and before publication will be sent to the Governing Body for their consideration.

Letter (Jan. 4), read from the Right Rev. Dr. Graves, Bishop of Limerick, as to the Limerick City Schools.

To be informed that the Commissioners will be glad to receive any suggestions which his Lordship may wish to make with regard to the Educational Endowments of the city of Limerick.

The consideration of the principles of a Draft Scheme for Gay's Free School, Ballymena, was referred to the full Commission.

Adjourned.

ANTHONY TRAILL,

January 28, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

January 23, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present:—Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The Assistant Commissioners conferred upon the principles on which a Draft Scheme should be prepared for Gay's Free School, Ballymena.

The Draft Scheme for Robertson's Schools, county Donegal, was considered and passed.

The Assistant Commissioners conferred upon the principles on which a Scheme should be prepared for the Clonmel Endowed School, the heads of a Scheme were settled and the Draft Scheme ordered to be drafted.

Adjourned.

GERALD MOLLOY,

February 24, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

February 24, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present:—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting read and confirmed.

Letter (Feb. 6) read from Rev. T. Quinn, C.C., Magherafelt, as to the Rainey School.

To be informed that his letter will receive due consideration.

Letter (Feb. 17) read from R. R. Mathews, with regard to Ballymena Diocesan School, a letter was also read from the Right Hon. John Young dealing with the same matter.

It was agreed:—That Mr. Young should be written to with a view to ascertaining on what basis possession could be obtained of the School-house.

Letter (Feb. 11) read from the Rev. M. LaB. Kennedy, Head Master of Clonmel Endowed School, with regard to a Scheme proposed for that School by a Local Committee.

To be informed that if he sends any suggestions in writing, they will receive the consideration of the Commissioners.

Letter (Feb. 24) read from Rev. W. Todd Martin, with regard to the nomination of certain members of the Raphoe and Enniskillen Local Boards (Protestant).

It was agreed that the names forwarded should be inserted.

Letter (Feb. 1) read from E. M. Johnson, with regard to the appointment of Inspectors under the Act.

To be informed that the appointment of Inspectors does not rest with the Commission.

Letter (Feb. 4) read from Alexander Devlin and Catherine Devlin, asking for part of the surplus money about to be distributed.

To be informed that the Commissioners have no surplus money for distribution.

Letter (Feb. 10) read from William McWilliam enclosing resolutions passed at a meeting of certain of the inhabitants of Monaghan, with regard to Monaghan Collegiate School, and the Royal School Endowments.

To be informed that the matter has been brought before the Commissioners, and that the resolution forwarded will receive their careful consideration in the preparation of a Draft Scheme for the Royal School Endowments.

Adjourned.

J. B. DOUGHERTY,

February 27, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

February 27, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 25, Nassau-street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The Draft Scheme for Kilkenny College was considered and amended. It was agreed that certain questions referring thereto should be submitted to the full Commission.

Adjourned.

ANTHONY TRAILL,

March 2, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

March 2, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 25, Nassau-street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of the preceding meeting read and confirmed.

Letters read;—

Messrs. Munneill & Son, Solicitors (Feb. 29) enclosing copy of a letter from the Clerk of the Salters' Company as to Rainey School, Magherafelt.

Rev. D. Wilson (Mar. 1) with regard to Villiers' Schools, Limerick.

Letter (Mar. 1) read from the Most Rev. Patrick O'Donnell, Bishop of Raphoe (Designate), with regard to the list of names for the Donegal Local Board (Roman Catholic).

The Secretary was directed to thank his Lordship for his letter and to say that the Commissioners hope that the list of names will be submitted before the end of Easter week.

A deputation of the Managing Committee of the Rathmines Township Sunday and Daily Schools, consisting of G. H. Vanston, Esq., LL.D., George Bryers, Esq., and Joseph S. Smoeth, Esq., Hon. Sec., attended and conferred with the Assistant Commissioners with a view to the settlement of a Scheme for the future management of these Schools.

It was agreed that a Scheme should be drawn up.

Adjourned.

GERALD MOLLOY,

March 9, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

March 3, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 25, Nassau-street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

The Draft Scheme for the Villiers' Charitable Institutions, Limerick, was considered and passed, and it was agreed that certain questions referring thereto should be submitted to the full Commission.

Adjourned.

GERALD MOLLOY,

March 9, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

March 9, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of the two preceding meetings read and confirmed.

Letters read :—

Rev. D. Wilson, with regard to the Villiers' Institutions, Limerick.

Rev. C. Davis, with regard to the Baltimore Fishery School.

The Draft Scheme for the High School for Girls, Cork, was considered and passed.

Adjourned.

J. B. DOUGHERTY,

April 20, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

April 20, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present :—Rev. Dr. MOLLOY, Professor DOUGHERTY.

Minutes of the preceding meeting read and confirmed.

A memorandum to accompany the Draft Scheme for the Royal Schools Endowment was laid before the Assistant Commissioners, and ordered to be prepared for the printer.

Adjourned.

ANTHONY TRAILL,

April 24, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

April 24, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting read and confirmed.

The latter part of the memorandum to accompany the Draft Scheme for the Royal School Endowments was submitted and considered.

Adjourned.

GERALD MOLLOY,

May 7, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

May 7, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting read and confirmed.

The Draft Scheme for the Cork Parochial Schools was considered and amended.

Adjourned.

J. B. DOUGHERTY,

May 8, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

May 6, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting read and confirmed.

The Draft Scheme for the Cork Parochial Schools was considered and amended.

Adjourned.

ANTHONY TRAILL,

May 17, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

May 17, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting read and confirmed.

The Draft Schemes for the Mason Blue School, Waterford, Clonmel Endowed School, and the Crofton School, Macroom, were considered and amended, and the further consideration of the two latter Schemes was adjourned to the full Commission.

Adjourned.

J. B. DOUGHERTY,

May 24, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

May 24, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

A list of Endowments was submitted with a view to the preparation of Draft Schemes.

The Assistant Secretary was directed to prepare and index in a suitable manner three copies of so much of the evidence taken in October, 1887, as relates to the Schools mentioned in the preceding minutes.

Adjourned.

GERALD MOLLOY,

May 28, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary

May 28, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The Assistant Secretary was directed to prepare from the Reports of 1888 a list of Endowments in which grants from public sources are to be found, and which are now in the hands of a particular denomination, showing also in separate returns the amount of such Endowments coming from private sources and the dates of the grants thereof.

The Heads of a Draft Scheme for the Ballymena Collegiate School were submitted.

Adjourned.

ANTHONY TRAILL,

May 30, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

May 30, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting read and confirmed.

Letter (May 29) read from Rev. W. G. Lodger, addressed to the Clerk of the Privy Council with regard to the Scheme for the Mount School, Limerick.

A reply, was drafted, to be sanctioned at the next meeting of the full Commission.

The Heads of a Draft Scheme for Ahern and Britway School were agreed to, subject to certain points which were reserved for the full Commission.

Adjourned.

J. R. DOUGHERTY

May 31, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

May 31, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The MS. Draft Scheme for Ahern and Britway School was approved and ordered to be sent to the printer.

Adjourned.

GERALD MOLLOY,

June 1, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

June 1, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting read and confirmed.

The Heads of a Scheme for the Roxborough-road School, Limerick, were agreed to.

A letter was directed to be written to the Rev. Canon Gregg, asking him to give the names of two clergymen and three laymen to be the first Governors of the School.

Adjourned.

ANTHONY TRAILL,

June 8, 1888.

June 4, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL.

The Heads of Schemes for the Waterford Corporation Free Grammar School and for St. Mary's Parochial School, Athlone, were agreed to.

A programme was fixed for Public Sitings to be held at Oldcastle, Kells, and Navan.

Adjourned.

ANTHONY TRAILL,

June 8, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

June 8, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of the two preceding meetings read and confirmed.

Letters read :—

Vin. Mervyn Archdall, M.A., Archdeacon of Cork, submitting names of governors to represent St. Luke's Parish, Cork, in the Scheme for the Cork Parochial Schools.

Tan Secretary, United Diocese of Cork, Cloyne, and Ross, submitting names of governors to represent the Diocesan Council in the Scheme for the Cork Parochial Schools.

Very Rev. Dr. Hauman, St. Columba's College, and Rev. B. McNamee, P.P., Omagh, with regard to the Draft Scheme for the Royal Schools Endowments.

Several criticisms on the Scheme for the Royal Schools Endowments were brought under the notice of the Assistant Commissioners.

It was ordered :—That publications containing criticisms of an important character on any Scheme published by the Commission should be obtained for the use of the Commissioners.

The Draft Scheme for St. Mary's Parochial School, Athlone, was approved, and ordered to be printed.

A Report was read from Mr. Ross, Inspector of National Schools, with regard to the Crofton School, Macroom, and the adjoining National School.

The Draft Scheme for the Mason Blue School, Waterford, was ordered to be brought before the full Commission.

Adjourned.

GERALD MOLLOY,

June 12, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

June 12, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letter read from F. De Lisle, Secretary, with regard to the payment to be made by the Governing Body of the Hibernian Marine Society, for the cost of publishing the Draft Scheme.

To be informed that the matter can stand over until the next meeting of his Board.

Letter read from Rev. W. G. Griffith, Vicar of Falcarragh, county Donegal, with regard to the Killyalt School, Tullishebegley.

To be informed that the School has been dealt with in the Draft Scheme for the Robertson Schools.

Letter read from F. W. Jasper, Diocesan Secretary, with regard to Diocesan Endowments of the Diocese of Kildare.

An answer, as already sent, was approved.

Letter read from the Registrar of the Royal Belfast Academical Institution, as to the Scheme for that Institution.

An answer, as drafted, was approved.

Letter read from L. A. Beamish enclosing copies of a proposed Charter for the Munster Agricultural Dairy School.

The Heads of a Scheme for the Raham Parochial Endowment were submitted.

The Assistant Secretary was directed to ascertain whether the trustees appointed under the Chancery Scheme ever executed a deed accepting the trusts and undertaking to act; also whether there was an old school-house at Knutery before the school-house directed to be built by the Chancery Scheme was erected, and if the latter school-house has ever been or is now called the Cotter Charity School.

The consideration generally of the Scheme, and certain questions, were referred to the full Commission.

Adjourned.

J. B. DOUGHERTY,

June 18, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

June 18, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present:—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting read and confirmed.

Letters read:—

Rev. J. H. Thorpe, with regard to the Deane Endowments, Cork.

Very Rev. Dean Warburton, as to Elphin Grammar School.

George B. Sayers, as to the Incorporated Society and Ballinderry School.

The Heads of Schemes for the Glountane Parochial School and for the Thomastown Parochial School were submitted and approved.

The Draft Scheme for Ahern and Britway Parochial School was considered and amended.

The Assistant Secretary was directed to ascertain if the owner of the Ballyree School would consent to have his School dealt with in the Scheme for this School.

The consideration of the Scheme, and the following question, was reserved for the full Commission:—Whether in the case of this School, and other similar cases, it would be expedient to vest the Schools in Diocesan Trustees either with or without power of management?

The Draft Schemes for St. Mary's Parochial School, Athlone, and Ballymena Diocesan School, were considered, amended, and passed.

The Assistant Secretary was directed to draft a letter to the Most Rev. Dr. Power, Bishop of Waterford and Lismore, with regard to the Waterford Corporation Free Grammar School, and to bring up the draft before the full Commission.

Adjourned.

ANTHONY TRAILL,

July 18, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

June 19, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present:—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The Heads of a Draft Scheme for the Blue Coat School, Cork, were submitted.

Adjourned.

GERALD MOLLOY,

June 20, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

June 20, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present:—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting read and confirmed.

Letters read:—

Alexander O'Leary, apprising the Commissioners that he had forwarded the Minute Book of the Ballymena Diocesan School.

Rev. Professor Leitch, stating that the Intermediate Education Committee of the General Assembly would appear by Counsel before the Commissioners with regard to the Scheme for the Royal Schools Endowments.

Adjourned.

J. B. DOUGHERTY,

June 27, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

# REPORT.

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June 27, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present:—Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The MS. Draft Scheme for Thomastown Parochial School was considered, passed, and ordered to be printed.

The Draft Scheme for the Mason Blue School, Waterford, was considered and amended. Adjourned.

ANTHONY TRAILL,

June 29, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

June 29, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present:—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The Draft Scheme for the Mason Blue School, Waterford, and the Roxborough-road School, Limerick, were considered and amended.

Adjourned.

GERALD MOLLOY,

July 3, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

July 3, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present:—Rev. Dr. MOLLOY, Professor DOUGHERTY.

Minutes of the preceding meeting read and confirmed.

The Heads of a Scheme for the Drelincourt, Mall, and Callan-street Schools, Armagh, and "Primate Robinson's Armagh Loan Fund," were submitted and approved.

The Assistant Commissioners conferred upon the principles on which a Scheme should be settled for the Oldcastle Endowed School.

Adjourned.

J. B. DOUGHERTY,

July 6, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

July 6, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present:—Rev. Dr. MOLLOY, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The MS. Draft Scheme for the Drelincourt, Mall, and Callan-street Schools, Armagh, and "Primate Robinson's Armagh Loan Fund," was approved and ordered to be printed.

A letter as drafted was directed to be sent to the agent of Mr. Clelland, Stormont, county Down, with regard to the payment of the residue of a rancharge of £125 under the terms of a deed made by Mrs. Mary Drelincourt in the year 1738.

The Assistant Secretary was directed to obtain from the Secretary of the Oldcastle Endowed School a copy of the accounts of the School for the last five years.

The Heads of a Scheme for the Meath Protestant Diocesan Educational Endowments were submitted and approved.

Adjourned.

GERALD MOLLOY,

July 13, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

July 13, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present:—Rev. Dr. MOLLOY, Professor DOUGHERTY.

Minutes of the preceding meeting read and confirmed.

The Draft Scheme for Thomastown Parochial School was considered and approved.

A letter was directed to be written to the Rector of Thomastown, requesting him to send the names of two persons to represent the Select Vestry of Thomastown on the Governing Body.

The Heads of a Scheme for Oldcastle Endowed School were submitted and approved.  
Adjourned.

J. B. DOUGHERTY,

July 20, 1888

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

July 18, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present:—Rev. Dr. MOLLOY, Professor DOUGHERTY.

The Draft Scheme for the Drilincourt, Mall, and Callan-street Schools, Armagh, and "Primate Robinson's Armagh Loan Fund," was considered.

Adjourned.

J. B. DOUGHERTY,

July 20, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

July 20, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present:—Rev. Dr. MOLLOY, Professor DOUGHERTY.

Minutes of the two preceding meetings read and confirmed.

The Heads of a Scheme for the Waterford Corporation Free Grammar School were submitted and approved.

Adjourned.

ANTHONY TRAILL,

July 31, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

July 26, 1888.

Meeting of the Assistant Commissioners held this day at their Office, 23, Nassau-street, Dublin.

Present:—Rev. Dr. MOLLOY, Professor DOUGHERTY.

The Draft Scheme for the Armagh Endowed Schools was further considered and approved.

ANTHONY TRAILL,

July 31, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

July 31, 1888.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau-street, Dublin.

Present:—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Adjourned until after the vacation.

GERALD MOLLOY,

October 4, 1888.

N. D. Murphy, Junr.,

Chief Clerk and Assistant Secretary.

# EDUCATIONAL ENDOWMENTS (IRELAND) COMMISSION,

1887-88.

## APPENDIX A. MINUTES OF EVIDENCE.

PUBLIC SITTING—TUESDAY, OCTOBER 4, 1887.

October 4.

At the Office of the Commission, 53, Nassau-street.

Present:—The Right Hon. Lord Justice FITZGERBON, and the Right Hon. Lord Justice NAES, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., D.Sc., ANTHONY TRAILL, Esq., LL.D., M.D., V.E.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Secretary, WM. EDWARD ELIAS, Esq., LL.B., and the Assistant Secretary, N. D. MURPHY, Junr., were in attendance.

1. Lord Justice FITZGERBON.—We have appointed this public sitting to discuss the objections which we have received to the draft scheme for the National Association for the Education of the Deaf and Dumb, Claremont, the Hibernian Marine Society, and the Merchant Tailors' School, Dublin, being the only three of fifteen schemes published in June last, the objections to which appear to involve any serious matter of principle. In future we intend before signing any scheme to which objections involving matters of principle are received, to have them discussed before us in public. In one or two instances objections have been sent in to the Lord Lieutenant by parties interested who had not appeared before us at all, and who put forward an objection until the scheme reached the

Privy Council. This results in very considerable delay and expense, probably arriving in most cases in the end at the same result which would have been attained here if the parties had come before us in the first instance. Though in some cases schemes have been submitted to us with dedications by the Lord Lieutenant, which involve matters of principle which we could not very well decide ourselves without the guidance of the Privy Council; in other cases, if the objections had been mentioned to us we should probably have been able to make the desired amendments, and we hope that in future the views of all parties interested will, in the first instance, be presented before us, as the Act intended they should be, before we sign the scheme.

### CLAREMONT INSTITUTION FOR THE EDUCATION OF THE DEAF AND DUMB.

2. Very Rev. H. H. Dickinson, Dean of the Chapel Royal.—Would it not be more convenient for the gentlemen representing the Ulster Society to discuss first the one point at issue between us?

Lord Justice FITZGERBON.—The more convenient course will be to go through the draft scheme in order. We have got your amended copy, and the first clause on which an alteration is proposed is clause 3. It is suggested there should be eight elected Governors instead of ten, with two ex-officio Governors, as it is considered the attendance would be better with a smaller number.

Dean Dickinson.—That would be fifteen altogether, including the five ex-officio Governors.

3. Lord Justice FITZGERBON.—What is the present number of acting Governors?

Dean Dickinson.—Of actually acting Governors only eight. There are so many institutions in Dublin, it is difficult to get men to act.

4. Lord Justice FITZGERBON.—Fifteen seems a sufficient number. In clause 8 there is a correction as to the amount of stock. The next amendment proposed is in clause 10, declaring the trusts of the endowment "to maintain an institution for the purpose of affording to deaf and dumb children, male and female, a literary and industrial as well as a religious education." The Committee consider it inconvenient and difficult to give deaf mutes an industrial education.

Dean Dickinson.—As honorary secretary for many years of the Claremont Institution, I wish to explain that we were anxious to collect information on the subject, and we went as a deputation to other institutions, and the universal testimony was that the great difficulty in dealing with deaf mutes was to make them capable of communicating with the outer world. The great object was to develop their literary education so as to make them capable of communicating with their fellow-beings, and if time were occupied at Claremont in teaching them trades, they would be diverted from their literary education. At Claremont there is, to a certain extent, industrial education, such as needlework for the girls and gardening for the boys.

5. Lord Justice FITZGERBON.—Is there any objection to adopting a clause the same as was adopted by the Ulster Society, "Giving to or procuring for them such training as may be deemed necessary or desirable to enable them to earn their own livelihood in some useful trade, occupation, or employment." This leaves a discretion to the committee?

Dean Dickinson.—We would be quite satisfied with that.

6. Lord Justice FITZGERBON.—We have had this question of industrial education frequently before us; in almost all instances training of a practical kind had

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been, by the donors and founders, declared to be part of their intention, yet this intention has almost always been allowed to fall. We cannot force any particular kind of education on people who feel themselves unable to give it with advantage, but we try in every scheme to introduce a clause leaving it open to the governing body to introduce technical and industrial training, and we hope this may yet be done.

Dean Dickinson.—I think that is quite right. The Commission at present inquiring into the training of the deaf and dumb visited Claremont, and if they give a unanimous recommendation that industrial training should be combined with a literary training, the Claremont committee I have no doubt would act on the recommendation.

7. Lord Justice FRANKLIN.—With respect to clause 13, which states:—"The governors may establish local committees, each consisting of three or more members of the association in such parts of Ireland, *exclusive of the province of Ulster*, as they may think fit for the purposes of the association." &c. (Reads clause 7), the committee of the Ulster Institution for the promotion of the education of Deaf and Dumb, and the Blind have sent me a letter on the subject. We have also received a letter from the Clerk of the Presbytery of Dublin, objecting to the restriction of the membership to the Church of Ireland. (Reads letter of August 25, 1887, Appendix B, No. 1, p. 486). The Presbytery objects to clause 3, which requires that every Governor shall be a member of the Protestant Episcopal Church; also to clause 7 by which power is given to the General Synod of the Protestant Episcopal Church to alter the constitution of the governing body; and to clause 37 which does not grant to the General Assembly of the Presbyterian Church in Ireland the permission granted to the General Synod of the Protestant Episcopal Church, to apply to the Commissioners of Charitable Donations and Bequests in Ireland that the scheme may be altered. Since these communications, we have also received a statement dated October 3rd, 1887, from the Dean of the Chapel Royal putting forward the views of his society against these proposals of the Presbytery. Before discussing the matter I had better state, on regards the objection of the Presbytery, that the provision limiting the Trustees and Governors to members of the late Established Church is not our introduction. It is in the scheme of June 19th, 1883, approved by the Master of the Rolls, which is the governing document of the institution. That scheme provides that the trustees and members of the committee shall be members of the Church of Ireland, and on coming to be so, shall be disqualified. No doubt we have power under our Act to alter even a Chancery scheme, but where the scheme is recent we should hold ourselves bound by its provisions, unless very strong reasons appeared to the contrary. On the question of expediency it should be borne in mind that in the Ulster institution the Presbyterians are represented by half the governing body, the other half being members of the Church of Ireland. On the other hand the provision in our scheme, as it stands, does not go so far as the objection and answer appear to indicate. We have no jurisdiction, and we have not attempted to prevent the committee of the Claremont Institution from admitting pupils from Ulster or accepting contributions from Ulster; but we do think it would be of doubtful expediency that they should establish local committees operating in Ulster with the Ulster institution. A common excuse for not giving a subscription is that someone else is asking you at the same time, and it is an equally good excuse for not giving to either. Since 1846 the present system has apparently worked pretty well. We should like to hear what the Dean of the Chapel Royal has to say in support of the proposal to allow the Claremont Institution to establish local committees in Ulster.

8. Dean Dickinson.—To say the truth, my own con-

sideration before the committee was that the clause was only intended in the sense your lordship has expressed, to prevent the establishment of local committees in the province of Ulster, and that it was not, and could not be intended as a restraint on the liberty of parents to choose what institution they would send their children to. The clause as it stands might preclude us from having a sermon preached in Ulster in aid of our institution, or sending a deputation there or receiving subscriptions there. The rest of the committee feel that with these words containing in the clause, "*exclusive of the province of Ulster*," it might be considered a restraint on us, and we might be charged with a breach of faith if we obtained subscriptions from Ulster or admitted pupils from Ulster. We should wish to see that restriction on both sides removed, that the Ulster institution should be perfectly free as to the collection of money and the admission of pupils, and that the Claremont Institution should be equally free. Let it be like the case of the Royal Schools. A parent resident in Cork could send his boy to Armagh, and a parent resident in Armagh could send his boy to Cork. We also consider that people ought to be left free as to the choice of the institution to which to send their subscriptions. Some people might think the Ulster institution most worthy of their support and some might think Claremont a better institution. As to the compact, I shall state briefly that it is founded on a historical mistake. The compact was made by the then existing Juvenile Association with the Ulster institution, but not only was it not made on the part of the National Association which we represent, but it was definitely repudiated by them. The National Association which we represent are the successors of that Juvenile Association, but the arrangement was made between the Juvenile Association and the Ulster Society, that in future no children should be admitted into Claremont from the province of Ulster, and that arrangement was made without the knowledge or sanction of the committee of the National Association for the instruction of the Deaf, Dumb, and Blind, and the committee reserve to themselves the right of maintaining the work of the association in its integrity.

9. Dr. TRAILL.—What was the date of the arrangement?

Dean Dickinson.—1846.

10. Lord Justice NAHLE.—Are there any local committees in Ulster connected with the Claremont Institution?

Dean Dickinson.—No.

11. Professor DOUGHERTY.—Do I understand you to convey that there were anomalies in connection with the parent society existing in Ulster at the time the agreement was entered into?

Dean Dickinson.—There were. My contention is that this agreement cannot be considered binding on the parent association, as it was repudiated at the time.

12. Dr. TRAILL.—Was the report of your own committee to your society sent to Belfast?

Dean Dickinson.—It was sent to Belfast. It was a public report, and published in the newspapers. There are one or two questions I would wish to ask the Ulster representatives now. Have not deputations been sent from Ulster since 1846 into the other three provinces, Leinster, Munster, and Connaught?

Rev. John Kingston (Principal of the Ulster Society).—They have not. I am forty-two years connected with the Ulster institution, and with the exception of some gentlemen who had property in Ulster, no one was asked to subscribe outside Ulster.

Dean Dickinson.—Have pupils been admitted whose parents reside out of Ulster?

Rev. John Kingston.—None whose parents were not in some way connected with Ulster.

Dean Dickinson.—We have received twenty-five from Ulster since 1846.

\* Appendix B, No. 1, (c), p. 485.

† Appendix B, No. 1, (d), p. 486.

13. Professor DOUGHERTY.—Do you consider that Presbyterian parents residing in the south and west of Ireland might prefer to send their children to Clarendon?

Dean Dickinson.—I consider that Presbyterian parents ought to be perfectly free to send their children to the Ulster institution, and Church of Ireland parents ought to be perfectly free to send their children to us. I may state that we are absolutely bound to receive two children from Ulster. We have £450 on the condition that we should always have two pupils from Ulster.

14. Rev. Dr. MOLLOY.—Have you always two pupils from Ulster?

Dean Dickinson.—Twenty-five or twenty-six have been received since 1845.

15. Lord Justice FRYGIMON.—There is nothing to prevent a Presbyterian parent in any part of Ireland, having a deaf and dumb child, from sending that child to the Ulster institution. The terms of the old agreement went a great deal farther in limiting both these institutions than anything in either of our schemes. The old agreement prevented the Ulster Society from obtaining subscriptions or dealing with anybody in relation to the institution except those who had property within the province. We thought that hard to carry out, and we introduced this clause in the Ulster scheme, "The governors may establish local committees, each consisting of three or more persons, in each part of the province of Ulster as they may think fit, for the following purposes:—To assist in collecting funds or otherwise increasing the income of the Society; to give due publicity to the notices issued by the governors, from time to time, of elections to fill vacancies in the institution; to see and examine the claims of candidates for admission from their neighbourhood, and report thereon to the governors; to aid in providing suitable employment for pupils leaving the institution, and generally to promote the objects of the Society in their respective localities." I have read the whole clause, and we have merely inserted the sentence in the Clarendon scheme—each institution is free in all respects except establishing rural committees in the same locality.

Dean Dickinson.—I considered the matter carefully, and I thought it inconceivable that the Commissioners could mean that a clergyman of any Church should be debarred from having a clergyman sent preached in any part of Ulster in aid of Clarendon.

16. Dr. TRAILL.—But since 1845 you were bound by that agreement?

Dean Dickinson.—I do not consider we were bound by it.

Lord Justice NAME.—We would have no power to enforce it.

17. Professor DOUGHERTY.—Would you consider it reasonable to have sermons preached in behalf of Clarendon in a district where auxiliaries connected with the Ulster institution at present exist?

Dean Dickinson.—Certainly. I repeat that we are the legitimate successors of the Juvenile Association. I do think the committee will not as a body press any further objection if the clause is understood in the restricted sense.

18. Lord Justice FRYGIMON.—We must have no ambiguity about it, and whatever alteration is made now, the same alteration should be made in the Ulster scheme.

Dean Dickinson.—We would be perfectly satisfied if the words "exclusive of the province of Ulster" were left out.

19. Lord Justice FRYGIMON.—If we do that we will set up a competition between these institutions that up to the present has never existed.

Dean Dickinson.—I do not think it would have that effect. We must take for granted people will be influenced by a spirit of Christian charity, and guided by principles of common sense. There is no envious feeling existing, and I will only say—God bless and

speed the work of the Ulster institution. I am satisfied every member of our committee is actuated by the same feeling, and we have not the slightest intention of establishing local committees, or interfering with the work of the Ulster institution.

20. Lord Justice NAME.—It does not appear that you have established local committees in Ulster for the past forty years, or that you have any wish or intention to do so now?

Dean Dickinson.—Not the slightest, but if a parent says he prefers to send his child to Clarendon how can we prevent that?

Lord Justice FRYGIMON.—We don't ask you to do so. We will leave what Mr. Shaw has to say.

21. Mr. J. J. SHAW.—I represent the committee of the Ulster Society, and it appears to me that Dean Dickinson has forgotten the nature of his objection. We do not seek to preclude him from getting pupils or receiving subscriptions from Ulster, but from establishing local committees there. He seems to consider they should not be prohibited by express words from establishing local committees in Ulster. If the Clarendon committee were permitted to establish local committees in Ulster, we consider that would be a gross violation of the compact entered into between the Ulster Society and the then existing Dublin Juvenile Association, and if carried out would lead to an unpleasant rivalry in Ulster amongst religious bodies hitherto working in the greatest harmony. The Dublin Juvenile Association was an auxiliary to '46 to the National Institution, and as an auxiliary to the National Institution it had committees in Ulster, and it was the only body that had any connection with Ulster. The National Institution—the parent society—had absolutely no connection with Ulster, except through the Dublin Juvenile Association, its auxiliary, which entered into this compact with the Ulster Society.

22. Lord Justice NAME.—What was the nature of the Juvenile Association?

Mr. Shaw.—It is described as an auxiliary to Clarendon.

23. Lord Justice NAME.—The Clarendon Institution must have worked independently of the Juvenile Association?

Mr. Shaw.—The Dublin Juvenile Association was composed of a number of gentlemen who made themselves active in getting subscriptions, and in finding out pupils, and bringing gird to the mill at Clarendon.

24. Dr. TRAILL.—Was the word "Juvenile" applied to the committee?

Dean Dickinson.—As a matter of fact it largely consisted of boys. I was a member of it when a school boy myself.

Mr. Shaw.—The Hon. Secretary was the late Dr. Kingdall, and he was not a juvenile.

Dean Dickinson.—We had some wise heads amongst us.

25. Mr. SHAW.—This compact has been working for forty-one years with great success, and the Ulster Society under it paid about £800 to the Clarendon Institution for the education of pupils.

26. Lord Justice FRYGIMON.—Do you insist that bargain is binding still?

Mr. SHAW.—I admit that it could not be enforced in law.

27. Lord Justice FRYGIMON.—It would be desirable that each of these institutions should be open to children from all parts of Ireland. They receive voluntary subscriptions, but they should not be in the position of canvassing against one another.

Mr. SHAW.—We submit there should be no local committees in Ulster in connection with the Clarendon Institution canvassing for either subscriptions or pupils.

28. Rev. Dr. MOLLOY.—Are you content with the clause as it stands in both schemes?

Mr. SHAW.—Perfectly content.

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Dean Dickinson.—I am quite content that we should be prevented from establishing local committees in Ulster, but that must be distinctly understood as not precluding any clergyman who chooses to have an offertory or sermon for us. If we refrain from establishing local committees in Ulster we should be left free to have pupils or subscribers from Ulster.

Rev. John Kingston.—I consider that would be establishing an auxiliary in another form, and availing the spirit of the compact on which we acted for so many years. The parent society in Dublin concurred in this arrangement, for they discharged eight pupils who were in their institution at Clarendon, and sent these to us for the completion of their education, and we paid over to their funds nearly £300 on behalf of sixteen Ulster pupils who completed their education at Clarendon. When the pupils ceased going to Clarendon, we found our accommodation, which was ample previously, insufficient, and we had to expend £800 on building new dormitories, and £1,750 for building a new school-room and dining-room. We consider that if the Clarendon Institution be now permitted by a side wind to establish local committees in Ulster that portion of our buildings on which we have expended as much would be left idle, and in fact we should be obliged to close part of the institution.

29. Lord Justice Fitzgerald.—I am unable to draw any clause which would prevent a clergyman from having an offertory or preaching a sermon for any particular object in Ulster.

Dean Dickinson.—I should suggest the exclusion of the clause in both schemes.

Mr. Shaw.—If you retain the clause excluding them from establishing local committees in Ulster that will satisfy us. I entirely agree with Mr. Kingston that as a matter of honor, no such attempt should be made as the Dean proposes.

30. Lord Justice Fitzgerald.—We have seen both institutions, and had an opportunity of judging of their working. If we simply adopt the provision that the Clarendon Institution shall not establish any local committee in Ulster without the concurrence of the Ulster Society, I think it would meet the difficulty. A local committee could not then be established without the concurrence of the Ulster Society, and it could be made the subject of correspondence between the two bodies if the necessity arose. We should not then be prohibiting the making of a contract between the two bodies.

Rev. Mr. Kingston.—What is the meaning of the words "raising money through local auxiliaries or otherwise"?

Lord Justice Fitzgerald.—That is in the agreement, but we would have no power or jurisdiction to give legal effect to that.

Mr. Shaw.—I admit it never could be enforced by a court, but it is a matter of obligation between the two societies.

Dean Dickinson.—It never was a matter of obligation with us. As soon as the Juvenile Association was merged with the National Association it was blotted out.

Mr. Shaw.—If you act in the future as you have acted in the past for forty-one years we are satisfied.

Dean Dickinson.—How can I undertake to bind future honorary secretaries of the Clarendon Institution?

31. Dr. TRAILL.—You handed over to the Ulster Society eight of their pupils on the amalgamation?

Dean Dickinson.—It was on that contract before the amalgamation.

32. Rev. Dr. MOLLOY.—Do you think that under the clause as it stands you could work as you have hitherto worked?

Dean Dickinson.—I have no doubt we could.

Rev. Mr. Kingston.—It would be absurd for us to establish, as suggested, an auxiliary in Dublin or Cork on behalf of the Ulster Institution. We don't wish it.

Dean Dickinson.—How could you prevent a clergyman in Ulster from having an offertory or preaching a sermon for our institution?

33. Dr. TRAILL.—The clause, as Lord Justice Fitzgerald suggests, would give either society the power of establishing local committees with the consent of the other.

34. Mr. Shaw.—I may mention that there are gentlemen here from Belfast, eminent members of the Church of Ireland, Mr. Thomas Montgomery, a divine of the Northern Bank, and Mr. H. H. McNeill, and they wish to state explicitly that the arrangement made in 1840 between these two societies has worked admirably in Ulster, and they are of opinion that if the Clarendon Institution were permitted to establish local committees in Ulster it would lead to an unpleasant rivalry, and to a diminution of the funds of both societies. They are accordingly here to members of the Ulster Committee to protest against any provision being given to the Clarendon Institution to establish local committees in Ulster.

Dean Dickinson.—We don't press that point.

35. Lord Justice NAUGHTON.—Substantially you seem to be all agreed that the clause may stand as it is.

Dean Dickinson.—I want it to remain a *libre scripte* that we don't understand any exclusion or restriction as regards receiving pupils or subscriptions from Ulster provided we don't ask for them. Supposing a clergyman or parent did be persuaded the Clarendon Institution, why should he be precluded from having an offertory on behalf of it or from sending a pupil to us? I think the clause should not be restrictive in that sense, or interfere with individual liberty of action.

36. Lord Justice Fitzgerald.—The only *libre scripte* is in print, and the words are: "The governors may establish local committees in each part of Ireland as they think fit, exclusive of the province of Ulster." If either of these societies should ever come to exist or be insufficient for the due care and education of the deaf and dumb, the scheme enables you to go to the Commissioners of Charitable Donations and Bequests and have the clause struck out. I should prefer leaving it as it is, having already passed the Privy Council in the Ulster scheme.

Dean Dickinson.—As Hon. Secretary of the Clarendon Institution I must say I am quite content.

37. Lord Justice Fitzgerald.—I am sure the two societies can come to an understanding. If the Clarendon Institution had an office in Belfast opposite or alongside the office of the Ulster Society, neither would get as much money as if they remained distinct.

Rev. J. H. Kennedy.—As one of the majority of the committee who are opposed to this clause in toto, I am anxious briefly to explain our attitude. We consider that at present we are not bound to abstain from going into Ulster, and we object to have any restriction imposed on us for the future. Besides, we claim to be the successors of the Derry Institution which transferred its pupils to us at its dissolution. We don't want to force ourselves on any one, but we claim the right to go wherever we are wanted, and we protest against having any restriction imposed upon us, that was not on us before.

38. Dr. TRAILL.—Did you include every county in Ireland outside Ulster?

Dean Dickinson.—We can interpret the clause as prohibiting the one institution against establishing local committees in Ulster.

Lord Justice NAUGHTON.—Your action seems to show that you considered you were bound by that one restriction, not having canvassed for subscriptions in Ulster.

39. Lord Justice Fitzgerald.—We cannot express the clause better than it is, and we will leave it as it is in both the schemes. As the Ulster Society is represented here, I may refer to the matter on which their scheme has been resisted, though we cannot

draft the new conscience clause until we get the official declaration. When we receive it we will amend the clause and send it to you (Mr. Kingham) and you can let us know whether it meets your views.

Rev. Mr. Wigham.—We have been in the habit of getting a consent from the parents heretofore, and we would prefer continuing that.

Mr. Shaw.—The practice has been that where a child belongs not to the Presbyterian religion or the Church of Ireland, but is a Methodist or Baptist, the parent sends in a written consent asking that the child should be either put under Presbyterian instruction or Episcopal instruction.

40. Lord Justice FRANKLIN.—No conscience clause would forbid that. We will not sign the amended scheme until it is seen by the gentleman associated with the institution, and I hope they will discuss it with us, if it does not satisfy them.

Rev. Mr. Kingham.—When we went before the Privy Council we were under the impression we could not come again before the Educational Endowment Commissioners, after the scheme had been signed and sent to us here Privy Council. If we had thought we could have done so we would have preferred going before you.

41. Lord Justice FRANKLIN.—It is with a view of preventing any misunderstanding that we have held this public sitting to-day. There was nothing hostile or contentious about the settlement of the Ulster Scheme, and if we had known in time of the objection we might have obviated it.

42. Mr. James Henry (Solicitor).—I appear on behalf of the Dublin Presbyterian representing a large body of Presbyterians who object to the present constitution of the governing body of the Clarendon Institution.

Lord Justice FRANKLIN.—How many Presbyterians are there in the Clarendon Institution?

Dean Dickinson.—We have none.

Mr. Henry.—That only shows the working of it. I propose to submit that a number of Presbyterians subscribed to the Clarendon Institution, amongst others the Messrs. Shaw, David Drummond, the late Dr. Duncan and others; and in showing that it was intended for all classes of Protestants, I might mention that the annual meeting of the Cork auxiliary was held in the Presbyterian Church; in one town the Presbyterian minister was the local treasurer, and in another instance the Presbyterian minister was the local secretary. Before producing evidence I would submit that the scheme already mentioned for the Ulster Institution shows there can be no possible objection to having the Clarendon Institution governed by a mixed body, that is by members of different communions of the Protestant Church. Considering that Presbyterians have taken part in founding the Clarendon Institution and subscribed largely to its funds, I submit it would be in the interest of the Institution to give Presbyterians a representation on the governing body which would result in largely increasing the Presbyterian subscriptions from the three provinces, Leitrim, Monaghan, and Carrisburgh, and in Presbyterian pupils being sent from these provinces to the Institution.

43. Lord Justice FRANKLIN.—The question is whether the committee are willing to do so, and if they are unwilling have we the power to compel them?

Mr. Henry.—Whether they are willing or not I take it you have the power, the only matter that might stand in the way is the scheme approved of by the Court of Chancery.

44. Lord Justice FRANKLIN.—That does not absolutely bind us, but it shows the Institution was a Church of Ireland institution. If that were so and subscriptions were given to it as a Church of Ireland institution, we should not change the character of it in that respect.

Mr. Henry.—I could not say that the scheme approved of by the Court of Chancery decided that without seeing the evidence on which the scheme proceeded.

45. Professor DONOVAN.—Were there any Presbyterians on the Governing Body before the date of the Clarendon Scheme?

Dean Dickinson.—I may interpose here. When the Clarendon Institution was established it was the only institution in Ireland for the education of the deaf and dumb, and on a broad philanthropic basis, numbers of persons of different denominations, Quakers and others, subscribed to the Institution in its inception, but as far as my memory extends, at least forty years, it was always under the management of members of the Church of Ireland. I should prefer it should remain absolutely a Church of Ireland institution, and in the same way that the Roman Catholic Institution at Cork should remain untouched, and that the Ulster Institution should be an institution for Presbyterians. I consider Clarendon should remain distinctly a Church of Ireland institution, and that the master should be of the Church of Ireland, and the teaching would be more efficient.

46. Professor DONOVAN.—If I mistake not, you had a Presbyterian head master?

Dean Dickinson.—In the beginning there was. He was the only person found qualified, Mr. Humphreys.

47. Professor DONOVAN.—No; he was a Presbyterian minister, Mr. Martin.

Dean Dickinson.—That is so. In the beginning very few people were found competent for the position. The committee chiefly considered the capacity and competency of the man.

48. Professor DONOVAN.—The sectarian constitution of the committee is a modern innovation, and at the time of the appointment of a Presbyterian head master, the committee was formed on a wider basis.

Dean Dickinson.—I have no recollection that the committee was otherwise constituted. On the committee of the Alexandra College we have a professor of mathematics and others of different denominations. It is quite consistent that the committee of the Clarendon Institution, being themselves members of the Church of Ireland, should waive the denominational consideration in favour of getting the best qualified man for the position of head master. They accordingly did the best thing they could to get the best qualified man, even though not a member of their own religious communion.

49. Professor DONOVAN.—Have you any of the earlier reports of the Clarendon Institution?

Dean Dickinson.—The point was raised before and it was shown in evidence that the Governing Body were members of the Church of Ireland, and it has always been so carried on within my memory.

Mr. Henry.—What the Dean has stated rather strengthens my contention, that the institution was originally started on a broader basis.

50. Dr. TRAILL.—There is a very great difference with regard to Ulster, where the Presbyterians form a very large proportion of the population.

Lord Justice FRANKLIN.—In the Ulster case, on the evidence, we confined the Governing Body to two denominations, Presbyterians and members of the Church of Ireland. For instance, you cannot have Baptists on it. The Clarendon institution is confined to one denomination, just as the Ulster institution is to two.

Dean Dickinson.—I was recently before the Commissioners on the Education and Training of the Deaf and Dumb, and I was asked if State aid were given to the Institution, especially with reference to day pupils, whether the committee would consider the introduction of a conscience clause. I said they would. Practically there would be great difficulty if we had Methodists and Presbyterians in Clarendon, for there is no Presbyterian Church near Clarendon, not

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nearer than Rutland-square, and that would be a long distance to send boys and girls.

51. Lord Justice FRYGIMSON.—You could not very well send deaf and dumb children in amongst an ordinary congregation.

Dean Dickinson.—I certainly should prefer the Ulster Institution to be wholly Presbyterian, and Claremont wholly a Church of Ireland institution.

52. Professor DOUGHERTY.—In Ulster they are in favour of working with one another harmoniously.

Dr. TRAILL.—You have not the Presbyterian population here that you have in Ulster.

53. Professor DOUGHERTY.—It is not proposed to give the Presbyterians equality of representation on your governing body?

Dean Dickinson.—The institutions, I consider, would work together more harmoniously if kept distinct.

54. Lord Justice FRYGIMSON.—Are the deaf and dumb Presbyterian children sent to the Belfast institution?

Mr. Henry.—In one case the Claremont institution took a Presbyterian child and they undertook that it should not be brought up an Episcopalian. I can produce evidence of that. It occurred several years ago.

Dean Dickinson.—I have no recollection of it. By whom was it given?

55. Dr. TRAILL.—It has been now stated publicly, and it ought to be proved.

Mr. Henry.—The Rev. Mr. Hamilton was the gentleman to whom the undertaking was given.

Dean Dickinson.—I think there must be some mistake. I do not believe such an undertaking could have been given that one child would be brought up differently from the others in Claremont. There is only one form of religious education given in the institution and that is religious teaching in accordance with the doctrine of our own Church, that was always given, and before the establishment of the Crown institution Roman Catholic parents sent their children to us subject to that condition, which we never cancelled.

56. Lord Justice FRYGIMSON.—Mr. Henry, if you are in a position to give evidence that any portion of the existing endowment is money in respect of which Presbyterians have a claim we will hear it.

57. Mr. Henry.—I will examine Mr. Hamilton.

Rev. J. M. Hamilton.—With reference to that case I wish to state that there was only one child deaf and dumb in my congregation, and it was necessary that child should be educated. I went to the office of the National Association and asked on what terms the child could be admitted, and I was assured the child would not be taught the catechism of the Protestant Episcopal Church. That assurance was given to me.

58. Dean Dickinson.—When was that?

Rev. Mr. Hamilton.—It is about twenty-three years ago.

59. Dean Dickinson.—I positively deny there was ever any authority for giving such an assurance or that any responsible person in connection with the institution could have given such an assurance, and I have been the honorary secretary for thirty years.

60. Dr. TRAILL.—Who was the gentleman?

Rev. Mr. Hamilton.—He was a gentleman in the office. I was not officially acquainted with the gentleman. I went to the office in Dublin and asked the question.

61. Dr. TRAILL.—Was he a paid officer?

Rev. Mr. Hamilton.—He was an official in the office. I asked him would the child be received and not taught the catechism of the Protestant Episcopal Church.

62. Dr. TRAILL.—Was that ever brought before the committee?

Rev. Mr. Hamilton.—I cannot say; the child was sent in and educated.

Dean Dickinson.—And taught the Church catechism, every letter of it. I deny the existence of any such agreement.

63. Lord Justice FRYGIMSON.—Is the child in existence?

Rev. Mr. Hamilton.—I believe the child is in Scotland.

64. Professor DOUGHERTY.—Did the deaf and dumb boy remain a Presbyterian?

Rev. Mr. Hamilton.—I cannot say. The family left for Scotland a great number of years ago. I wish to state the funds of the institution were raised largely from Presbyterians. It received considerable sums from time to time from Presbyterians from the North and all over the country before the establishment of the Belfast institution, and ever since then down to the time of the agreement being made between the Ulster Society and the National Association. Many Presbyterians in Dublin still continue to subscribe to the Claremont institution, but the Presbyterians in the North supported from that time forward the Belfast institution. Presbyterians in Dublin consider that having subscribed their money to the institution, Protestant Episcopalians should not take it all to themselves when they were glad to receive Presbyterian help to found it.

65. Dr. TRAILL.—Do you consider when people of different religious denominations subscribe to any institution that they all should be represented on the governing body? For instance, I subscribe to Arden Industrial School.

Rev. Mr. Hamilton.—But Claremont was not an exclusively Protestant institution when it received Presbyterian money.

66. Lord Justice FRYGIMSON.—In the article of agreement drawn up at the conference in 1810, which was the basis of the understanding with the Ulster Institution, I find this clause: "The following shall continue to be the regulations of the Ulster Institution—that the pupils be instructed in the Holy Scriptures; secondly, that those pupils whose parents are members of the United Church of England and Ireland, do regularly attend that worship, and that all pupils transferred from Claremont be placed under the operation of this rule." Whoever made that agreement clearly regarded the Claremont institution as one in which all the pupils should then continue to be the teaching of the Protestant Episcopal Church, and, if so, it seems to me that the present claim cannot be supported as matter of right. It might be conceivable if pupils of all denominations were admitted under a common clause, and if all denominations of subscribers were represented on the Governing Body, but the question is whether we have any right to alter the constitution of the Governing Body, when it is conclusively shown that forty years ago the religious teaching was according to the doctrine of the Protestant Episcopal Church, and the present Charity Scheme restricts the Governing Body to members of the Church of Ireland.

Dean Dickinson.—No one in the community is less anxious or antagonistic to other denominations than I am, but I consider that these institutions built up and conducted on family principles are better managed and more satisfactorily carried on, if they are all of the one way of thinking. I will only say Heaven bless the Presbyterians in their efforts in Ulster. If they will only leave us alone we will leave them alone. If people of different opinions cannot live amicably let them live in separate homes.

67. Lord Justice FRYGIMSON.—What we want to do is to ascertain the facts. It is plain on that point to which I have referred that forty years ago all the pupils received instruction in Claremont according to the doctrine and practice of the Church of Ireland, the then Established Church. In the report of the Commission of 1858, the children were all returned as members of the Church of Ireland, and in 1880, they were returned in the same way. Those who subscribed their money in former days for the establishment of this institution must be taken to have done so on the understanding that distinction

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—  
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religious instruction was to be given. Nothing could be more deceptive than to suppose that persons people belonging to different denominations subscribe to an institution consequently it cannot be of an exclusive character. Many people subscribe to charitable institutions belonging to other denominations and never think of changing to affect their distinctive character. The constitution of the Governing Body of the Clermont Institution was sanctioned by the Court of Chancery in 1832, and I apprehend that we now have no power to change it.

68. Dr. TRAILL.—I suppose Dr. Denham was one of the largest subscribers to this institution?

Rev. Mr. BARNES.—He repudiated the idea that it was an exclusively Protestant Episcopal Institution, and the late Mr. Charles Hope, of Blackrock, subscribed to it on the assumption that it was not.

69. Mr. J. J. SHAW.—As to the proposed alteration in clause 24, as to the meeting of Governors, it is almost exactly the same as clause 23 in the Usher Scheme, and the alteration proposed by the Clermont Committee commands itself to the Committee of the Usher Society also.

70. Lord Justice FRYGIMON.—When we get the scheme back from the Privy Council we will carefully consider any amendments you desire.

Mr. SHAW.—As regards the provision for holding the quarterly meetings of the Usher Society always at the Institution, it was found difficult to get gentlemen out there, the Institution being some distance out of Belfast, and the meetings were usually held at the Southern Bank.

71. Lord Justice FRYGIMON.—We have been applied to in several instances to relieve the Governing Body from the obligation of going to see the place in person. We have had evidence before us of institutions the Governing Bodies of which had not seen them for years. We will not allow that.

Mr. SHAW.—A provision for their inspection once a week half year would do.

Dean Dickinson.—We have provision for constant inspection on our committee. At present when we receive applications we admit with as little delay as possible. Since the number of applications for admission to Clermont was reduced we receive every one immediately on application not wishing to have the delay of an election. The Governors, I see under the scheme, have power provisionally to admit pupils, but every admission is subject to confirmation.

72. Lord Justice TRAILL.—Does not that clause as to the admission of pupils satisfy you?

Dean Dickinson.—No doubt, but practically the children would be admitted, and as regards the admission of pupils, the half-yearly meeting would be of utility.

73. Lord Justice FRYGIMON.—You have a provision "That if the number of applicants shall at any time exceed the number of vacancies, or whenever the Governors or the association shall so direct, the members of the association shall elect the free pupils," and all the members are to be consulted. You could not deprive them of that right.

Dean Dickinson.—The circumstances are a little altered. When that rule was drawn up originally, Clermont was the only institution and there was a necessity for election. Now we admit every qualified one, every child that is not idiotic that applies.

74. Lord Justice FRYGIMON.—We may sanction that so long as the number of applicants does not exceed the number of vacancies, but there must be an election where several are competing.

Dean Dickinson.—We will be quite satisfied with that.

75. Dr. TRAILL.—Is there any danger arising from that if sufficient public notice is not given?

Dean Dickinson.—We send out with the reports a little printed form asking people to let us know of any available cases in their neighbourhood. There are always vacancies.

76. Lord Justice FRYGIMON.—The Governors or

the association can at any time direct that a formal election shall be held half yearly.

Dean Dickinson.—The little solemnity of a half yearly election does tend to stimulate interest, provided it does not tend to check us in prompt admissions.

77. Lord Justice FRYGIMON.—We will allow you to elect children to vacancies without the formality of an election, subject to the power of the association to call on you to elect half-yearly whenever the number of applicants increases beyond the number of vacancies. The committee have also power to require candidates to be examined.

Dean Dickinson.—What we want to examine is not the attainments of children, but their capacity to be taught.

78. Lord Justice FRYGIMON.—We might leave out the clause requiring an examination, but they should be seen by somebody.

Dean Dickinson.—The form is generally filled up by the local clergyman and a doctor certifying the child is not idiotic, but is capable of receiving instruction.

Lord Justice FRYGIMON.—We can put in such examination as the Governors may consider necessary.

79. Dr. TRAILL.—What is the use of a local committee if you admit pupils without consulting them?

Dean Dickinson.—In a country place it is sometimes difficult to call together a local committee.

80. Lord Justice FRYGIMON.—What we want is that the people who are to pay for the child's education, or some one on their behalf, shall see the child. If we leave out the provision as to the examination of candidates, will you be satisfied that they must be seen by the local committee or by a qualified medical authority?

Dean Dickinson.—I think that would be sufficient. As to the 19th clause. It says, "An annual meeting of the association shall be held in the month of December in each year." It has always been the custom to have the general annual meeting on Easter Tuesday. It is a time always associated with Clermont, and I would rather have inserted "Easter in each year" for the annual meeting, and make the accounts for the year coincide with the time fixed so as to give time for an audit.

81. Lord Justice FRYGIMON.—You are answerable yourselves for the clause as it stands?

Dean Dickinson.—It would be desirable the meeting should continue to be held at Easter in each year.

82. Lord Justice FRYGIMON.—We will alter it to March or April. As to the objection to this next clause—"in addition to the annual meeting to be held as aforesaid, the Governors shall summon a half yearly meeting of the association to be held in the month of June in each year, or at such other time as the members shall appoint by resolution passed at an annual meeting, whenever an election of free pupils by the members is required to take place, under the provisions of the 14th section of the scheme"—we will put in that a meeting shall be called whenever required for an election, and leave out the half-year.

Dean Dickinson.—The next point is as regards clause 24. "Within one calendar month after the date of this scheme, and once at the least in every month thereafter the Governors shall meet at the institution." A meeting every month is objectionable.

83. Lord Justice FRYGIMON.—We will make it either quarterly or half yearly, but we will not sanction your never holding a meeting at the institution of which you are the governing body.

Dean Dickinson.—I don't object to that. Our present rule is that we don't meet there at all, but we have visitors formally appointed who visit in rotation and send in their report.

84. Lord Justice FRYGIMON.—How often do they visit?

Dean Dickinson.—They visit monthly. It is quite right we should be required half-yearly to meet in the institution.

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85. Lord Justice Fitzgerald.—Are you willing to retain a provision for monthly visits by the Committee? We have seen places ourselves that had not been visited by any one of the Governors for ten years.

Dean Dickinson.—No doubt it would be desirable that the committee or a sub-committee should visit monthly and the governors half-yearly.

86. Lord Justice Fitzgerald.—As to clause 23, we have communicated with the Local Government Board on the subject of audit, and they state they will be willing to consult with the governing bodies in sanctioning any competent auditor, and when he will act without expense they will be prepared to sanction such an arrangement. In one or two cases

they have themselves already audited accounts under our scheme, and the fee they charged for auditing in one case was £1. We have no power of course to bind them to such a sum, but we are sure there will be no excessive charge. As regards inspection the Lord Lieutenant can appoint the inspector, and as to the amount of his remuneration, and we cannot interfere.

Dean Dickinson.—It is a very good thing that there should be an inspection.

Lord Justice Fitzgerald.—We will revise the scheme and send you a print of it, and within three or four days after you get the revise you can suggest any other legitimate amendments that occur to you.

## THE HIBERNIAN MARINE SOCIETY.

The Hibernian  
Marine Society

There were present, representing the Governing Body, His Grace the Archbishop of Dublin, Mr. F. Stokes, Mr. M. T. Moles, and the Secretary, Mr. F. De Lisle.

87. Lord Justice Fitzgerald.—A special meeting of the Governors was held on July 18, to consider the draft scheme, and the following amendments were unanimously agreed to. (Reads amendments proposed.)

(To His Grace the Archbishop of Dublin.)—Does your Grace wish to say anything in reference to keeping up the old corporation.

His Grace the Archbishop (Lord Plunket).—I was not present at the meeting at which these objections were drawn up, but those who know more about the Institution than I do seem anxious on the subject; and it would be, I think, desirable to hear what they have to say.

Mr. Francis De Lisle.—A general meeting was summoned to consider the draft scheme, and the result agreed on is contained in the amendments which have just been read.

88. Dr. Traill.—Did they object to the words in clause 25, or to the dissolution of the existing society and the discharge of its liabilities?

Mr. De Lisle.—The Board otherwise considered the scheme generally was such that they had no reason to object to it.

89. Professor DOUGHERTY.—What are the reasons for proposing to maintain the original society?

Mr. De Lisle.—A feeling of honour that they were so bound to maintain it.

Mr. Frederick Stokes, J.P.—I find my name expunged from the list of existing governors and I am prepared to contend that we have always conducted the Institution with fidelity, integrity and success.

90. Lord Justice NALAN.—Are you living in Dublin? Mr. F. Stokes.—No. I suppose I am disqualified on that account?

91. Lord Justice Fitzgerald.—The names inserted as "existing governors" were the names of gentlemen still residing in or near Dublin.

Mr. F. Stokes.—Lord Ardlough and others were omitted who are resident in Dublin?

92. Lord Justice Fitzgerald.—The first question is whether you want the old title kept up; the Hibernian Marine Society in Dublin.

Mr. F. Stokes.—I would not change the name.

Mr. Messrs Terence Moles.—Being an old institution we do not see why the title of it should be altered. If you change the name it will involve an alteration in many legal documents and necessitate the getting of a new seal and other matters which would entail expense that might be avoided.

93. Lord Justice Fitzgerald.—We see no objection to preserving the old name. In that case the new Governing Body will not be a corporation, but in the nature of a committee of the old Corporation reconstituted.

Mr. M. T. Moles.—That would answer.

94. Lord Justice Fitzgerald.—The next matter is the question of the residence of the Governors. All the existing members of the Society will remain members of the corporate body, but the question is who will be your governing or managing body? Your old qualification was payment of the subscription, and no body now belongs to the institution except those subscribers who form the committee. We hope in future to see it do better than that.

Mr. F. Stokes.—The existing members are generally old men, and it is only a life interest in those that I seek to preserve.

95. Lord Justice Fitzgerald.—Does the Governing Body proposed in the scheme satisfy you as the ultimately permanent Governing Body? If so, some gentlemen now on the Governing Body might reach during life.

His Grace the Archbishop.—That would be the best solution.

96. Lord Justice Fitzgerald.—What is your view regarding the provision as to residence in the county or city of Dublin?

Mr. F. Stokes.—In my opinion that clause is not necessary at all. They should be at liberty to select gentlemen residing anywhere. For instance the largest number of Protestant employers are resident in Belfast, and you would exclude these.

97. Dr. Traill.—If gentlemen from Belfast were elected Governors could they attend the meetings?

Mr. M. T. Moles.—It would be desirable to have such gentlemen as Mr. Cairnes, of Drogheda. If he joined us we would be very glad. He sometimes sails here, but not constantly.

98. Lord Justice Fitzgerald.—Would there be any objection to a provision that anyone who does not attend should be struck off?

Mr. M. T. Moles.—We don't object to that.

Mr. F. Stokes.—Under certain conditions he vacates his office if he does not attend.

Rev. Dr. Moles.—Under clause 3 he ceases to be a Governor *ipso facto* if for the space of one year he fails to attend any meeting of the Governors. Under another clause "every representative Governor shall be eligible for re-election, provided he shall have attended at least one-fourth of the meetings of the Governors during his term of office, but not otherwise." That is no inconsistency there.

99. Lord Justice Fitzgerald.—You don't object, Mr. Stokes, to a man ceasing to be a Governor if he does not attend for a whole year?

Mr. F. Stokes.—No.

100. Lord Justice Fitzgerald.—And for a qualification to keep a man on that he should attend one-fourth of the meetings. Would that satisfy you?

Mr. F. Stokes.—Yes; assuming the existing Governors are continued.

101. Lord Justice Fitzgerald.—We don't object. There was evidence on the last occasion that it was intended to enlarge the institution and extend its benefits.

Mr. M. T. Moore.—I object to the sixth clause which provides that whenever a Governor shall cease to reside permanently in the city or county of Dublin, he shall thereupon vacate his office, and I would also refer to clause 11, which deals with the election of pupils.

102. Lord Justice Fitzgerald.—If you can have an election whenever you choose to give notice, the result will be that you will never have a comparison of the claims of candidates. You should have a fixed time for your elections, and pick out the best of the candidates for admission.

Mr. M. T. Moore.—We seldom have more applicants than we want, and we occasionally elect them in the intervals of meetings in very desiring cases.

103. Lord Justice Fitzgerald.—If the institution were better known you would have more applicants than vacancies?

Mr. Curtis.—Regularly twice a year we advertise in Cork and Derry for applicants.

104. Lord Justice Fitzgerald.—All applicants should have a chance of having their claims considered.

Mr. M. T. Moore.—I think we should have power to select them every two months, instead of waiting for six.

Mr. Curtis.—That would do.

Mr. De Lisle.—We should have power to admit very urgent cases at any time.

105. Lord Justice Fitzgerald.—If we allowed you to do so, and then have the admissions subjected to the next half-yearly meeting, the tendency would be to treat every case as an urgent one. After the scheme was published a letter appeared in the *Press* and the *Journal*, from a writer who signed himself a "Mariner," objecting to the clause that "The children of deceased, reduced, decayed, or poor seamen or fishermen shall in all cases have the preference," and the writer called on the Lord Mayor and other people to attend to secure the rights of seamen's sons. Though then appealed to, they have not acted on the suggestion, and I would rather the objection had been made direct to ourselves. We have considered it, and we think there is something in it. The institution was founded originally for the children of deceased or decayed seamen, and extending it to the children of fishermen, we think it ought still to be kept exclusively for the children of seamen and fishermen.

Mr. M. T. Moore.—We have advertised north, south, east, and west, and we rarely get the children of decayed seamen. We frequently find seamen with large families, whose income is not more than £60 or £70 a year.

Dr. Traill.—It is a most unfortunate expression, "decayed seamen," coming after the word deceased.

Mr. M. T. Moore.—If we could get boys trained for the sea we consider it would be doing a good thing.

Mr. F. Stokes.—I would not apply the funds for any purpose except the purpose for which they were given originally for the children of seamen. I think it would be applicable to the children of Coastguardsmen in the same in which it was given.

Mr. M. T. Moore.—A very large number of the children are the children of Coastguards.

106. Dr. Traill.—I think it would be better simply to put in the word "seamen."

Mr. De Lisle.—There are mariners whose income does not exceed £70 a year with nine and ten children.

107. Lord Justice Fitzgerald.—It was plainly established for the benefit of the children of seafaring men; and it appears to be agreed that we should extend it to the children of all classes of seafaring

men. As the draft stands at present you might have the son of a landman competing with the son of a sailor, and if the landman's son was poorer than the sailor's son the governors might elect him, so that it would be open to the governors to extend the charity to people for whom it was never intended.

Mr. M. T. Moore.—It might be arranged that after exhausting the list of candidates who were the children of seafaring men applications might be entertained from the children of landmen. The practice has been to advertise with large placards in seaport towns. It is a Protestant institution, and numbers of the seamen are Roman Catholics.

108. Lord Justice Fitzgerald.—It appears to us the situation of the institution does not at all conduce to the institution being known. When the case was on before, it was stated that numbers passed the place day after day without knowing it was a school at all.

Dr. Traill.—You cannot get the sons of fishermen to come up here to attend a school in the city. Sandy-cove would be a splendid place to establish it.

Mr. F. Stokes.—Many clergymen might think it prudent to give the choice to the sons of landmen.

109. Lord Justice Fitzgerald.—The 13th section of our Act of Parliament is very precise. "In framing schemes it shall be the duty of the Commissioners to have regard to the spirit of founder's intentions; and in every scheme which abolishes or modifies any privileges or educational advantages to which a particular class of persons is entitled, they shall have regard to the educational interests of such class, and where the founder of any endowment has expressly provided for the education of children belonging to the poorer classes, either generally or of a particular class, such endowment shall continue as far as regards to be applied for the benefit of such children."

Mr. M. T. Moore.—If after two or three or four elections we did not get the children of seafaring men it might be left open so as then to apply the benefits of the charity to the children of landmen.

Mr. F. Stokes.—I would apply it to the benefit of orphans and children of seafaring men only.

Dr. Traill.—I think the extension to the children of fishermen was intended.

110. Lord Justice Fitzgerald.—The education is to be special also. We do not want you to lose the marine character of the charity.

Mr. M. T. Moore.—No doubt that would be desirable.

111. Lord Justice Fitzgerald.—Whenever a suitable candidate, the son of a seafaring man, presents himself he must be entitled to admission as against any one else.

Mr. M. T. Moore.—We find £800 accumulated, and we come to the conclusion if we could extend the benefits of the charity to other boys and train them for the sea we would be doing a good thing.

112. Lord Justice James.—You are referring to boys who are not the sons of seamen, but who intend to adopt a seafaring life.

Mr. F. Stokes.—I take it that we have no power to admit them.

113. Lord Justice Fitzgerald.—We will make the clause perfectly stringent that so long as any suitable candidates, who are the children of seafaring men, present themselves, the charity shall be confined to them. It will be only in the event of such a class of candidates not presenting themselves that you will be allowed to admit others, but these must be boys who intend to adopt a seafaring life, so that the marine character of the institution will be preserved.

Mr. M. T. Moore.—As regards the age of candidates, section 14 states that a boy shall not be less than eight nor more than twelve. It might be desirable to have that altered, as a boy of eight is very young.

Lord Justice Fitzgerald.—That would be only restricting yourselves.

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114. Professor DOUGHERTY.—Have you not power to ascertain by examination the capacity of a boy? Under that you can protect yourselves against the admission of a boy who would be unfit for reception in such an institution.

115. Dr. TRAILL.—The extension of the age gives you power to get in a sufficient number of boys.

Mr. F. Stokes.—The existing Act provides that no children shall be received into any school or nursery unless it shall appear to the satisfaction of the corporation that such child is the orphan of a deceased, reduced, or decayed seaman.

116. Lord Justice FRERGINSON.—It was agreed at the former sitting that the benefits of the charity ought to be extended to the children of fishermen, and we shall provide that no others shall be admitted so long as there are suitable candidates who are the children of fishermen and other seafaring men. In case there are no such candidates, then there could be no objection to the admission of other poor boys who intended to adopt a seafaring life.

Mr. Thomas CURRIE.—Would you extend it to the children of lighthouse keepers?

Dr. TRAILL.—Under a clause such as Lord Justice FRERGINSON has mentioned it would extend to the children of lighthouse keepers.

Lord Justice FRERGINSON.—We will put in some phrase that will include every variety of seafaring life.

117. Rev. Dr. MOLLAY.—As regards the ages of candidates for admission, it seems to me you propose to limit the power of the governing body more than the scheme itself limits it.

Mr. M. F. MOSE.—We consider it would be desirable to have a saving clause. If you don't limit us to boys of eight and nine we will be obliged to take boys of seven.

118. Professor DOUGHERTY.—In cases of urgency why should you not be at liberty to take them?

Mr. M. F. MOSE.—Because boys of seven would require a certain amount of nursing.

Professor DOUGHERTY.—The difference between seven and eight is not very great.

119. Rev. Dr. MOLLAY.—Do you find the same superintendence would not be suitable to boys of that age?

Mr. F. Stokes.—We had only one case of a child of

seven years of age, the child of a seaman who died of cholera.

Mr. M. F. MOSE.—The boys have to wash and tend everything of that kind for themselves, and if younger it would entail names.

120. Rev. Dr. MOLLAY.—I think eight is the limit in the charter.

Lord Justice FRERGINSON.—Let mine be your normal age, and you can come down to eight for special reasons.

Mr. F. Stokes.—I think there is a little obscurity in the 19th clause as to attendance upon Divine Service and religious instruction.

121. Lord Justice FRERGINSON.—The child must be the child of Protestant parents.

Mr. CURRIE.—If the father died and the mother married a Roman Catholic the child might be a Romanist.

Mr. F. Stokes.—We have always endeavoured to prevent the introduction of anything like proselytism.

Mr. CURRIE.—I would suggest the introduction after the words, "any convenient place of worship"—"being Protestant," there could then be no objection to the clause.

Mr. F. Stokes.—Under the clause as it stands at present we might be obliged to send the children to a Roman Catholic place of worship.

122. Lord Justice FRERGINSON.—A child is not qualified for admission unless the child of Protestant parents. Supposing the father died, if the wife became a Roman Catholic she might, no doubt, under the clause as it stands call on you to send the child to chapel.

123. Rev. Dr. MOLLAY.—It would meet your view to put in the words, "any place of Protestant worship."

Mr. CURRIE.—That I think would meet the difficulty.

Mr. Stokes.—Have we any power to make any agreement for the sale of the school?

Lord Justice FRERGINSON.—For a sale of the interest in the premises in Merion-street, under the existing statute you would require the sanction of the Commissioners of Charitable Donations and Bequests. We will send the scheme, when revised and before it is signed, to Mr. De Lisle for any observations you wish to make. We are going to retain all the existing Governors who are not disqualified.

#### MERCHANT TAILORS' SCHOOL, DUBLIN.

Mr. R. MacMullen was present on behalf of the Governing Body.

124. Lord Justice FRERGINSON.—There is but one objection to this scheme, namely, the omission to preserve the rights of the sons of freemen as defined in the existing deeds. We got no evidence as to the existence of any recognised number of children coming under the particular description, and we should be glad to have some evidence as to that.

Mr. Richard MacMullen.—I would wish to refer the Commissioners to the requirements laid down in the Trust Deed that the members of the Guild of Tailors have a prior claim.

125. Lord Justice NAIRNE.—Is there in existence a Guild of Tailors?

Mr. R. MacMullen.—Not now; the Guild has been dissolved.

126. Lord Justice NAIRNE.—Is not a freeman of the city recognised as belonging to some particular Guild?

Mr. R. MacMullen.—Not now; a roll of freemen is kept.

127. Professor DOUGHERTY.—How many children have you in the school at present, descendants of freemen belonging to this Guild?

Mr. MacMullen.—I think twenty-three.

Lord Justice FRERGINSON.—What is the proof you require of their descent?

Mr. MacMullen.—The Rev. Dr. Leeper was a mem-

ber of that Guild, and we all know those who were members of it. There is a roll.

128. Lord Justice FRERGINSON.—Is there a roll of the Guild as it existed at the time of the dissolution?

Mr. MacMullen.—Quite so, and also of the merchants.

129. Lord Justice FRERGINSON.—Have you got these two rolls?

Mr. MacMullen.—We have.

130. Dr. TRAILL.—You can trace them?

Mr. MacMullen.—Yes; we have the names on the registered roll of freemen. There are, besides, 1,500 freemen, and every one of their children would be entitled. The members of those Guilds were Protestant freemen.

131. Rev. Dr. MOLLAY.—Were these Guilds limited exclusively to Protestants?

Mr. MacMullen.—Oh, yes.

132. Rev. Dr. MOLLAY.—Is there a list kept from generation to generation of the members of the Guild?

Mr. MacMullen.—We require parties to show what claims they have, whether on the Guild or on the freedom of the city.

133. Rev. Dr. MOLLAY.—Do you require them to prove they were descendants of members of the Guild at the time of its dissolution?

Mr. MacMullen.—We require them to prove their descent.

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Tailors' School  
Dublin.

134. Dr. TRAILL.—How are you to ascertain their descent?

Mr. MacMullen.—The roll extends back.

135. Lord Justice FITZGERSON.—The limitation is to the children or the descendants of persons who were members of the Guild at the time of its dissolution?

Mr. MacMullen.—We adhere to that.

Rev. Dr. LEGER.—As the roll existed at the time; we carry out that idea all through.

136. Lord Justice FITZGERSON.—The members of the Guild of Tailors have the first claim, and then Protestant freemen of Dublin and their descendants?

Rev. Dr. LEGER.—The descendants of freemen existing at that date, not of all freemen.

137. Rev. Dr. MOLLOY.—Do you admit descendants by the female line?

Rev. Dr. LEGER.—Yes; a man marrying the daughter of a freeman would be entitled, or serving apprenticeship to a freeman.

138. Rev. Dr. MOLLOY.—Did a man become a member of the Guild of St. John the Baptist by marrying the daughter of a member of the Guild of Tailors?

Rev. Dr. LEGER.—Yes.

139. Lord Justice FITZGERSON.—The 18th clause of the Act seems to apply, and we must ascend the chain accordingly by preserving the rights in question. What do you say as to clause 18 giving power to the head master to expel pupils or suspend their attendance?

Mr. MacMullen.—We wish the headmaster should merely have the power to suspend until a meeting of the Board, when the case could be brought forward.

140. Lord Justice FITZGERSON.—There is a fee of ten rent of Rs. 3d. per annum payable out of a tenement or passage in Highstreet, which does not appear to have been received for a considerable period?

Mr. MacMullen.—At the time of handing over the property to the Trustees a case in reference to that was submitted to Mr. Blackburn, but the thing was dropped.

141. Lord Justice FITZGERSON.—From what we have seen of this school, we consider it could be made a good intermediate school for the northern part of Dublin. At present it is somewhat restricted.

Rev. Dr. LEGER.—I think we have done wonders when you consider the materials we have.

Mr. MacMullen.—There was a mortgage of £200 on it. We had only an income of £75, and by management we educate fifty boys, and some of the boys educated in it now hold high positions in society.

Rev. Dr. LEGER.—I may state that one of the boys educated in it obtained a Hebrew scholarship in college.

Mr. MacMullen.—Our annual meeting was always held on the 24th June, our charter day, and we would wish that to continue. We close our accounts and our year ends also on the 24th June, that being St. John's Day.

142. Lord Justice FITZGERSON.—Could you not close your yearly account on the 31st March, and submit the accounts on the 24th June. If you close the accounts on the 24th June and have a meeting the same day you cannot have much opportunity of looking into the accounts?

Rev. Dr. LEGER.—We pay our bills every month.

Mr. MacMullen.—We are most willing to carry out any suggestion made by the Commissioners, but we feel bound to preserve existing interests. The present premises do not enable us to do as much as we would desire.

Professor DOUGHERTY.—I hope you will get out of them as soon as possible and obtain more suitable premises.

The Commissioners then adjourned.

October 4, 1887.

Merchant Tailors' School Dublin.

## PUBLIC SITTING—MONDAY, OCTOBER 10, 1887.

At the Court-house, Limerick.

Present:—The Right Hon. Lord Justice FITZGERSON, and the Right Hon. Lord Justice NAISH, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., B.E.D.; ANTHONY TRAILL, Esq., LL.D., M.D., F.R.C.D.; and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, JUNR., was in attendance.

Lord Justice FITZGERSON made an introductory statement.

### VILLIERS' CHARITABLE INSTITUTIONS.

Rev. David WILLIAMS, D.D., sworn and examined.

143. We do not wish the Commission to be prejudiced against us as trustees, owing to our not having introduced a scheme. The truth is we felt we had no better scheme than the one we were administering to propose; the trustees felt that, under the will of Mrs. Villiers, and also the scheme of the Lord Chancellor of 1836, they were absolute unless this Commission had full power to interfere with the will of the founder, and also the scheme of the Lord Chancellor of 1836. That was the reason for the Res of action we followed.

144. Lord Justice FITZGERSON.—I believe the school was founded in 1826 under Mrs. Villiers' will.—If I give a brief history of the endowment it would be better, and you would see our position.

145. Have you a copy of the will?—Yes. It was dated 3rd August, 1819. The first thing contemplated by Mrs. Villiers was the founding of twelve widows' almshouses, for which a certain sum was set apart yearly, old money £340, present money £313 16s. 11d.

146. Lord Justice NAISH.—Where are the almshouses?—About ten minutes' walk from this, on what is called the Island beyond the cathedral.

147. There are two schools in connection with the almshouses?—Yes: the Nicholas-street Schools. After those schools and the almshouses were built, there was a large surplus, and the will of Mrs. Villiers declared that her trustees should be absolute as to what they should suggest to be done with the balance of the

Rev. David Williams, D.D.

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money. They consulted, prepared their scheme, and submitted it to the Lord Chancellor, who desired that out of this surplus there should be built in the new part of the city a school for Protestant orphans.

145. Dr. MOLLAT.—That is in Henry-street?—Yes; and in connection with that orphanage there were two schools, a boys' school and a girls' day school. These are the institutions which we superintend, that is to say, the Rector of St. Manchin's and myself. Under the will of Mrs. William the parties named as trustees are the Rector of St. Manchin's and the Presbyterian minister of Limerick for the time being. They are to be her executors. If they are unwilling to act then there is a certain step to be taken, but I have been for nearly half a century administering the trust, and I have always found the trustees, the Rector of St. Manchin's and the Presbyterian minister very willing to act. It is largely a labour of love, though we have a certain sum of money for it, it takes up a great part of the time of the trustees, but we feel our respective congregations have a vested interest in it, and therefore we should be very unwilling to recede from the matter. Under the will of Mrs. Villiers, confirmed by the Lord Chancellor, the trustees have each a sum of £40 of the old money for acting as trustees.

146. Lord Justice FRANKLIN.—What is the property?—You will observe that there were several reports, the Lord Chancellor in 1836 referred it to the Master to report, and a report was made in 1836. The report which got into my hands when I came to the city of Limerick in 1844 was a report of Master Henn of that same year. It has never been out of Chancery. I have been in the Lord Chancellor's hands for the past forty years and upwards.

147. Lord Justice FRANKLIN.—Is the money in Chancery?—Part of it. The £340 for the payment of the widows' annuities, derivable from lands in Counties Limerick, Clare, and Tipperary; the balance of the money is in the Funds, and in accordance with this report of Master Henn, the Chancellor cannot several additions to be made to the payments which we were bound to pay.

148. What is the nature of the payments?—In the first place we pay £24 per annum to each of the widows. In addition to the payment to widows the large institution has to be kept in proper repair. We have £2,541 Old Government 3½ per cent. now, of course, 3 per cent., producing £209 4s. 8d. per annum, that is devoted to special purposes, not educational at all; it is to pay the Presbyterian congregation so much, and the Fever Hospital so much, and to pay also the trustees £10 for each.

149. Where is that fund?—It is in Chancery, and we get the money from the Accountant-General after passing our account for the previous year.

150. Are you obliged to lodge an account each year?—Each year for the last forty years I have prepared an account.

151. Dr. TRAILL.—Are you liable to costs?—We are liable to a little costs, not much; it used to be a very large figure, but we administer now under the Lord Chancellor, and he has a clerk who is pretty sharp about that, and causes us to prepare our accounts in such a way that the solicitor might not draw so largely out of our funds.

152. Lord Justice FRANKLIN.—Are you obliged to employ a solicitor?—Yes.

153. Lord Justice FRANKLIN.—What is the cost now?—I think about £15 a year; it varies, sometimes it is more and sometimes less. We paid our local solicitor last year £15 17s. 7d.

154. Lord Justice FRANKLIN.—You say your local solicitor, have you more than one?—No, but we pay the solicitors of Commissioners of Charitable Donations and Bequests for whatever they do. Last year £4 6s. 5d.

155. What do they do?—They appear before the Chief Clerk, and insist upon appearing before him.

156. Therefore you have to pay for the appearance of the Commissioners before the Chief Clerk?—Yes.

157. You are aware that under our Act your accounts could be passed before the Local Government Board Auditor?—That is soverely in the interests of the solicitors.

158. Dr. TRAILL.—Have you to pay any costs in Chancery exclusive of what you pay to the local auditor?—No. Part of this £15 17s. 7d. paid by us to our local solicitor would be for his appearance or his representative when the account was being passed.

159. Lord Justice FRANKLIN.—Then the costs come to about £30 a year?—About £30.

160. Is there any expense incurred on the coming of any change in the office of trustee?—Formerly there was, but in the Chancery I represent the promotion is so slow we have very little experience in that department. When my friend here succeeded after Archdeacon Hare died, I intended that to the Lord Chancellor through his chief clerk, and some steps were taken and he was recognised.

161. What did that cost?—A very small sum, perhaps not more than £1; I don't think even so much.

162. I don't think you could intimate anything to the Chancellor through a solicitor for £1?—It is only fair to say that the Chief Clerk is, for all practical purposes, the Lord Chancellor, and it is not so costly.

163. Is that £2,541 Government Stock, kept as a separate capital sum?—It is kept separate and accounted for separately to the Lord Chancellor in accordance with Master Henn's scheme.

164. First the year's annuity to each of the trustees, £40 Irish, equal to £36 18s. 6d.; three guineas to St. John's Fever Hospital; £8 6s. 10d., that is £9 6s. 10d. Irish, to the Trustees for the relief of poor objects of charity in Limerick; a year's subscription to the Presbyterian congregation, £19 8s. 7d. What is this £9 6s. 10d. applied for?—That is divided, each trustee gets half to give to any poor parties.

165. The next fund?—We used to have a second account, which was a very small sum, and by order of the Chancellor it was transferred to the third account. Our principal sum in the third account is £31,344 6s. 1d., in the new three per cents, producing £540 6s. 7d.; that is also in the funds, and we get the order from the Accountant-General in Chancery. And in addition we have £2,127 11s. 7d. Consols, producing £13 16s. 5d. That is all in Chancery to the same account.

166. What are the purposes of those?—For paying—first the twelve widows.

167. They get £24 a year each?—Yes, I had better state, and that will complete our money, in addition to that we invested, last year, a sum of £500 also in the Court of Chancery, producing about £16 per annum, that was the result of savings. The original decree of the Lord Chancellor, and the Report of Master Henn, stated that there was a balance of some £80 from year to year which would be added to capital; that has been largely reduced owing to the 3½ and 3¼ per cent. ceasing to exist, and of course our dividends have been reduced considerably. However we had savings to the extent of £500, which the Chief Clerk asked us to invest, that was done last year.

168. Have you any other cash or stock?—No other cash whatever, except any small current balance.

169. What other endowment have you?—From what we call Scott's annuity we have the sum of £340 in accordance with the will of Mrs. Villiers, per annum of the old money, of the present money, £313 16s. 11d.

170. Why is it called Scott's annuity?—Because the Mimes Scott, now the Mackintosh Pottery, are the people who pay it to us through their agent, Mr. Martin.

171. On what lands is it charged?—On Loughmore, Drumcliff, and other lands in Clare, Limerick, and Tipperary.

172. Is it safe?—That is hard to say. We live in bad times, but I remember worse times. After the

series of 1847 and 1848 we could get no money out of these lands, and the trustees became responsible to the Bank for a large sum for keeping our widows from starving. We then applied to the Lord Chancellor for a Receiver, and after some time we got our money.

116. Do you mean to say you got the arrears as well as what were accruing?—Yes, and we were in no difficulty until lately; there are the agent's letters, we are keeping him up to it.

117. Lord Justice FRYGIMAN.—The first letter is sending the amount of the annuity to the 29th September, 1886, dated 22nd March, 1887. "I have sent you this out of my own money as there is more than a year's rent due on the estate, and I recommend you not send as much as you have done, as the estate cannot pay it, and I shall not advance again." That does not look very encouraging!—It is not very encouraging.

118. You have been paid up to the 30th September, 1886, in full?—Oh, more than that, we are paid up to the 26th March last.

119. 24th March, 1887, from Dr. Wilson to the agent. "The trustees think it right to inform you that however wise your advice was no bound to act not upon it, but in accordance with the will of the late Mrs. Villiers, and the order of the Lord Chancellor, both specifying we're widows to be maintained, and the amount to be given to such, and the fund to meet payment. We have no doubt that if you fail to obtain the annuity within a reasonable time the Lord Chancellor will order, on in your predecessor's case, the steps that should be taken in the interests of the trust." You got another half year since?—Yes.

120. Do you know anything of the lands on which they are charged, what their annual value is?—I do not. I know something of the lands of Drumcliffe near Eadie, where I have been.

121. Is the money paid direct to you or the Court of Chancery?—It is paid direct to the trustees.

122. Do you keep a bank account?—We keep a bank account, and if it should happen there is a little money we don't require we keep it on deposit receipt.

123. Are you under terms in the Chancery scheme to keep a bank account?—We are not. My experience has taught me that every such institution or charity fund should, in the interest of itself, be administered by a superior power, like the Court of Chancery, it has kept those trustees right for nearly half a century, when just like our neighbors we might have been a little loose and careless, but as we have to give an account each year of every penny we spend to the Court of Chancery, it has realized that we have neither gained £1 nor lost one penny.

124. Dr. TRAILL.—Do you include that annuity of £113 in your annual account to Chancery?—Of course.

125. Lord Justice FRYGIMAN.—Then your entire income amounts to nearly £1,200?—£1,142 4s. 7d. last year, provided we get the £113 as the interest on the £100 invested.

126. Have your school premises held?—In perpetuity.

127. Do you pay any rent for them?—None for the ground on which we have the almshouses and the Nicholas-street Schools. We pay £12 4s. 3d. per annum for the ground in Henry-street.

128. Have you a perpetual interest in it?—It is a long lease.

129. Have you got the deeds?—No, before I became trustee everything was kept in Dublin; the late Henry Burroughs, whose father had been solicitor for the trustees, was solicitor. And the master and Mr. Burroughs kept the whole thing together and sent us the sums necessary to be expended.

130. Rev. Dr. MASTON.—It is stated that the erection of the schoolhouses and almshouses cost £3,603—do it stand.

131. And you hold these houses free of all rent?—Yes.

132. In whom are the premises vested?—It must be in the trustees, it is all in the trustees.

133. Lord Justice FRYGIMAN.—I suppose you are aware that unless you are incorporated in some way your title may become defective?—That is a matter worthy of inquiry, but it never came into our heads. There is a clause in the will specifying the portion of land where these almshouses should be built.

134. Then that was Mrs. Villiers' own land?—I don't know. There is a devise in the will of "all that parcel of land situated in St. Macan's Parish, purchased by me from Lord Glentworth, formerly Bishop of Limerick."

135. Dr. MASTON.—What about the house in Henry-street?—The property in Henry-street belonged to the late Sir John Riston, and our yearly payment of £12 4s. 3d. was made to him.

136. Lord Justice FRYGIMAN.—The evidence we have got is that the place was held under a renewable lease dated 15th October, 1835, at £12 4s. 3d. You have no deeds, and don't know whether it was renewed or not?—No; but so far as I know it is perpetually renewable.

137. What is your first payment?—£288 a year to the twelve widows.

138. The next sum you pay are to persons connected with the almshouses and schools?—Yes.

139. The salary of the schoolmaster of the male school in Nicholas-street is £30, and the schoolmistress, £23 1?—Yes.

140. Are those schools in connection with the National Board?—Yes, both of them.

141. What is the attendance?—The average on the roll for the year ended 31st December, 1886, was: males, 292; females, 218; total, 510.

142. Do you join yourself to the National Board as a mixed school or do you get capitation grants in each of the schools?—About 1875, the two schools being so small in number, the Commissioners asked the trustees to unite the schools for educational purposes, so that there is but one school that draws the grant from the National Board.

143. You have made one mixed school in the sense of the National Board, of the two schools?—Yes, with this exception, that we have a separate school for females, and have a female teacher to give instruction to the junior classes, and in her own schoolroom special instruction in knitting and so on.

144. Is your salaried teacher the male or the female?—The male teacher.

145. What is his classification?—The man who left us in July last came in the Second Division, and he left us First of First. We have got a new man now who is First of Third; he will go in for an examination soon, and although we thought our last man, and so did the Inspector, about one of the best teachers in the south of Ireland, and on the first occasion on which his school was examined for results *sen*, every child had to be promoted whether he would or not, yet odd to say under this man who is First of Third the attendance is largely increased, so that in the first quarter the average attendance is—males, 362; females, 326; making 688 of a total.

146. Professor DOUGHERTY.—Is he a trained teacher?—He is.

147. Lord Justice FRYGIMAN.—A very small addition to your attendance, then, would give you two salaries?—Yes.

148. Is it an entirely elementary school?—No, we have pupils in advanced mathematics. Our late teacher taught in all departments, chemistry and so on.

149. The next item is salary for a male teacher in the boys' school, Henry-street?—Yes.

150. I believe that school is closed at present?—That school is closed at present. There was a time when that school was the best school of its class in Limerick for many years after I came to Limerick. In fact it existed almost alone in that part of the city. Times have changed, and our school has

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Witness, &c.

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changed with them. Since Leamy's school was established, and the endowments of Leamy are much superior to our endowments, they were always able to command first rate teachers, and they have a fair staff. Then the Model School took away a large number of the class of children who attended our school in Henry street. The Archbishop of Limerick, who is rector of St. Michael's, has also a large school there, and my notion is that there are too many male schools in that neighbourhood.

211. Rev. Dr. MOLLOR.—The supply of education of that kind is in excess of the requirements.—It is up to it at any rate in my opinion; I shall not say more. Nevertheless, we felt we were bound to make an effort to maintain our male school, but we were exceedingly unfortunate in our last teacher, although he was highly recommended to us; he turned out a failure, and we had to dismiss him in the beginning of the quarter. Then we wrote to others. There was one man here from Belfast, who had passed a very good examination in connection with the University there, and when he saw the state of things, he thought it better to hold on, and then my estimate and myself thought it better, as this Commission was coming down, to wait.

212. Dr. TRAILL.—How long is it closed?—Only since August.

213. Lord Justice FRYGEMAN.—Supposing the provision to be sufficient in other schools, the Model School and Leamy's School, for the class of children who would go to the Henry-street school, whether would you consider it more expedient to increase the boarding provision for girls, or to apply the endowment in some other way?—You have exactly indicated the line of thought the trustees had. I wrote a letter a year and a half ago to the Chief Clerk of the Lord Chancellor on this very subject. Our orphanage requires enlargement, the male schoolhouse is just and parcel of the building, and there is a door which of course we have always locked up communicating with it. We were about applying for leave to expend this £200 in enlarging the orphanage, but in the meantime we thought this Commission would see perhaps there is no use for such a school. We had thought of asking for leave to have the whole building thrown into the orphanage, giving us the room we require, and for which we were prepared to spend the £200.

214. Is there any other orphanage in Limerick or its neighbourhood for Protestant girls?

Yes, F. C. HAMILTON.—There is a Protestant Orphan Home for senior girls.

215. Rev. Dr. MOLLOR.—Have you more applications for orphan girls than you can receive?—Not now; formerly we had.

216. Dr. TRAILL.—Are they all local?—Not all local.

217. How far do you consider yourselves free to go out of the county Limerick?—How is the order in which the cases of applicants shall be taken into consideration. Girls whose parents have resided five years in the city or Liberties of Limerick, the counties of Limerick and Clare, and have lost both parents.

218. Lord Justice FRYGEMAN.—Were those regulations made by yourselves?—By the former trustees, and we have seen no reason to alter them.

219. Professor DECONCHERT.—Were they made under the Charter Scheme?—They were submitted to us.

220. Lord Justice FRYGEMAN.—We saw a girl there to-day who said she was from the county Tipperary?—Why not, the property of Mrs. Villiers is in the counties Limerick, Clare, and Tipperary.

221. Would there be any objection, in your opinion, to the area of the charity being extended so as to have the three counties in?—Not the least, and practically we have done it. Before I became a trustee girls from Fethard, Tipperary, and Clonmel were admitted.

222. Professor DECONCHERT.—Perhaps you would not object to even a wider area?—Not at all, and if

there were not a sufficient number of applications from the immediate neighbourhood we would look to a wider area.

223. Lord Justice FRYGEMAN.—Would there be any objection that in the first instance the children should be admitted from Limerick, Clare, and Tipperary, and the right to admit other children should be subsequent to that?—That is our principle. Our sleeping accommodation for twenty girls is extremely limited. Our doctor is totally opposed to our admitting more than sixteen, though last year we had nineteen, and we have no provision in the case of sickness; we would have to send the girls up to St. John's Hospital or some similar institution.

224. Dr. TRAILL.—How many would it hold if you had the boys' school?—We could accommodate at least half a dozen more.

Rev. Mr. Clarke.—There would be twenty-six altogether.

225. Lord Justice FRYGEMAN.—We saw the school to-day and the teacher there, and we were all most favourably impressed by the cleanliness and good order. You have a restaurant?—Yes.

226. What are her duties?—What would be the duty of any mistress of an establishment.

227. She told us she took no part in the teaching!—She does not teach; she keeps the place in proper trim and order; she buys all things for them in the shape of clothing and food, and generally superintends the orphanage.

228. The teaching staff consists of one teacher and an assistant?—Yes.

229. What salary do you pay the teacher?—The first entry I have is "one year's salary to Eleanor Hewson as teacher of the girls' school, £25," and then she is put down again, "one year's salary as assistant teacher, £15." How is that?—Because Mrs. Hewson was a teacher of the boys' school, and in addition acted as assistant in the orphanage. She superintended the children, and her duty was, in the absence of the mistress, always to be on the spot in order to maintain proper order.

230. The next two items strike one as rather large: "Thomas Dickson, a year's salary for gardening, £6," and as gatekeeper, £10. Is it necessary to have a man resident there?—He is resident at the Walshev's Almshouses, his duties are altogether there.

231. Dr. TRAILL.—What do you pay the medical £40 per annum.

232. Lord Justice FRYGEMAN.—Then I understand the gate-keeper and gardener is at the institution, not at the school?—He is at the almshouses, his duty is to run messages for the ladies and so on, and is necessary as a precaution to them and to the place.

233. Then there is an item of £10 for heating libraries, are those under the will?—No, not under the will but under the scheme. They are in connection with the schools at the almshouses and with the schools at Henry-street, and in accordance with this scheme of 1844. The trustees' hands are bound; we are not allowed to exceed an expenditure in any one department.

234. Who has the use of these libraries?—The children of the school, and the teachers are the parties who superintend them. When Master Hunt was asked to report he gave a copy of the former schedule that had been adopted in 1830, and specified where there should be an enlarged provision, and amongst the rest he made an addition with regard to heating libraries.

235. Lord Justice NAUGHTON.—Who can borrow books?—Simply the children at the schools.

236. William Marshall as librarian of the boys' school, Nicholas-street, £3; Mary Jane Marshall as librarian of the girls' school, £3;—Robert, William, of the boys' school at Henry-street, £3; Eleanor Hewson, librarian of the girls' school, Henry-street, £2. In 1850 there is an entry of an application to the Court of Chancery,

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and a scheme proposed by the Commissioners of Charitable Donations and Bequests, and a counter scheme proposed by the trustees, what was all that about?—The trustees wished some changes. When we made an application to the Chief Clerk he said the Commissioners of Charitable Donations and Bequests had a say in the matter and must appear, and they did appear, they put in their view of the trustees, but I think our view was carried and confirmed by the Lord Chancellor.

237. The cost of that must have been considerable. You don't seem to have got very much attention in your powers?—Very little indeed, and from time to time there are difficulties thrown in the way by parties.

238. Rev. Dr. MONTAGU.—Do you mean by the Commissioners of Charitable Donations and Bequests?—I mean by that, involving, as my co-trustee knows, a considerable amount of writing on the part of the trustees to have another put right, a small matter. I think that was whether we should be allowed to expend an extra sum of our funds for one thing.

239. What you would wish would be that your powers should be more elastic?—Yes.

240. Lord Justice FRANKLIN.—The whole thing that this scheme and counter-scheme were about, was that the annuities to the twelve widows paid at £36 later currency, should be increased to £34 British currency, and that each widow should be supplied annually with a ton and a half, instead of one ton of coal, and £8 be paid to servants, instead of £5, and that £148 dividends which had accumulated, should be applied to the repairing of the building and replacement of the furniture, and that you should be at liberty, subject to the provision for repairs of building and replacement of furniture, to expend such sum in your hotel as you might think right in sending orphans to the seaside or increasing apprentice fees, and that any other moneys should be applied to maintenance of orphans. Does it occur to you it would be an advantage to the charity if things of that kind could be administered by the trustees without going to Chancery?—Undoubtedly, but by this scheme of the Master, confirmed by the Lord Chancellor, we were restricted in our payments, we could not exceed £50 in repair of buildings.

241. How are the children admitted, do you nominate them?—By the trustees; applications come to us.

242. Professor DOUGHERTY.—Do you give any industrial training in the orphanage?—You perceive by our scheme we are not allowed to keep the girls after reaching sixteen, but all the girls are made useful, and on reaching ten years of age have the several duties of the house to attend to.

243. In connection with household work?—Just so, most of them is told off to do something in connection with household work, and the larger girls have all the work of the institution to do in scrubbing, cleaning, and all that sort of thing, and taking their turn at washing.

244. Do you teach sewing, mending, and knitting?—Yes, and many of these girls make their own clothes before going out of the institution.

245. Would it be an advantage for you to have the power, in the event of your thinking it necessary, to keep the girls beyond the age of sixteen?—Yes.

246. Dr. TRAILL.—Do they cook?—Yes.

247. Professor DOUGHERTY.—But they do not go out as household servants?—No, because they have generally been of a higher class. For instance, I have had four girls there, sisters, who were daughters of an agent of Lord Hawarden, and one of them recollected her father having one of the best houses in co. Tipperary, and having £1,000 a year, and when he died he left a widow with eleven children without £11.

248. Rev. Dr. MONTAGU.—Have you fixed times for visiting pupils?—No, there are just the two trustees, and we seek each other's convenience in the matter of a meeting. We meet frequently for the interests of

the institution. A large amount of time is occupied, and we see each other on an average weekly.

249. Lord Justice FRANKLIN.—I see you have a power of paying apprentice fees up to £10?—Yes.

250. Do you find you can get any good for an apprentice fee of £10 now?—No. There was a time when we could get beef at 4d., a lb., now everything is double, and our money is consumed in that way, it does not go so far. But in addition to that our income has been diminished by the 34 per cent. coming down to 3, and we were threatened with another reduction, and were uneasy about it.

251. Dr. TRAILL.—Has not the price of food gone down in the last few years?—I don't think it has gone so far down in Limerick as elsewhere. Then with regard to the £10 apprentice fee it sufficed forty years ago, when we had ladies who had separate establishments as bonnet-makers, dress-makers, and so on; they were all anxious to get our orphans for the £10, and keep them in their homes and board them for three years. Motives are totally revolutionized, that class of persons has totally disappeared, and the monster houses have swallowed up these, and now we have great difficulty in disposing of our girls. If we succeed in getting the heads of three monster houses to take in our orphans, they won't board them, and the boarding has fallen on the trustees. The Archdeacon of Limerick, late co-trustee, paid a large sum of money out of his pocket for Presbyterian girls. I myself have done it for Presbyterian girls. That is to say we took the £10, but when we paid 6s. or 8s. for their board and lodging weekly, as we did often, for the two years it would cost us a sum of £15 or £16 out of pocket.

252. Lord Justice FRANKLIN.—Then you think it would be advantageous to have power to increase your apprentice fee?—Yes, that was our object in applying to the chief clerk.

253. Professor DOUGHERTY.—What about the religious education of the orphans?—It is attended to both by the mother and assistant mother. All the orphans are either Episcopalian or Presbyterian, and they go to their respective sabbath schools, and are in their ministers' bible classes.

254. Have you had any difficulty in working such an arrangement, because we are constantly told it is impossible to carry on a boarding school on this system?—We never have had one particle of difficulty. My first co-trustee was the present Primate, then the Rev. Robert Knox, after him the Rev. Robert Staveley, Rector of St. Munchin's, after him the late Archdeacon of Limerick. My present co-trustee is the Rev. Mr. Clarke, and in administering the trust, although we belong to different sections of the church, we never had a wrangle or quarrel, I am sure I would have had more if I had had a Presbyterian deaconess, and he might have had more if he had had an Episcopalian or Irish Church trustee.

255. Do you happen to know to what denomination Mrs. Villiers belonged to?—She was a Presbyterian.

256. And it was under her will that the Rector of St. Munchin's became co-trustee?—It was. I had a statement to that effect. I have been here now for nearly half a century, and when I came here I had a large number of old men, members of the Church, who lived at the same time with Mrs. Villiers, and Mr. Glover, one of our elders, was about the eldest member of the Church; if he had been living now he should have been about 100 years of age, so that he lived with Mrs. Villiers for a considerable number of years. He knew very well both Mr. Duddy, the Rector of St. Munchin's, and my predecessor, the Rev. Mr. Pinkerton, and was able to testify that Mrs. Villiers was a Presbyterian, both she and her mother. They were of Puritan origin. Both endowed the Presbyterian minister as such over and above his salary as trustee.

257. The Presbyterian Congregation takes a benefit under the will?—It does.

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Wilson, &c.

258. In the event of a new governing body being formed for this Institution, would you be in favour of adding to the number of trustees?—I don't see any necessity.

259. Lord Justice Fitzgerald.—Our experience is that where there are only one or two trustees, if even one of the trustees is really active and attentive all goes well, but there is no security that that will always be the case, and, unfortunately, in a great many instances, it has not been so. We have tried to add to the governing bodies where they are so small, generally some lay element, for the management of property, that would be likely to work harmoniously with the others. Supposing it was left to ourselves to constitute a governing body, possibly you would say it should stay as it is, but if any addition be made to it, in what direction do you think we should look to get trustees that would be likely to be useful?—In that case I should say—one layman from the Presbyterian Church, and one from St. Michael's. I don't commit my co-trustees.

260. In your opinion about five would be enough?—About five would be enough. I have always found large bodies to be unwieldy. If you limit the numbers to five that would be far more likely to do the work.

261. Professor Douglass.—Instead of going to the Presbytery of Munster or the Diocesan Council, you would confine the trustees to the members of St. Michael's and the Presbyterian congregation?—Most naturally I would have more faith in the trustees under Mrs. Villiers securing the right men than either of the two bodies to which you have referred.

262. Lord Justice Fitzgerald.—Would your idea be that the layman should be nominated by the eldership of his own congregation?—So far as the choice is concerned, for instance, there is a governing body in my Church and a Bench of Bishops in yours, and I would leave the selection to them.

263. I may give you an instance—the Ormond-quay Church incorporated their Deacon's Court as a body to manage all the endowments. Supposing you want to constitute a governing body to work with yourself and your colleagues, of whom two should be laymen, should the Deacon's Court of your Congrega-

tion nominate one, or should he be nominated by the Presbytery of Limerick?—I should prefer either the minister himself, or what we call the Session, because they are the parties interested, and it is evident Mr. Villiers wished to give those two congregations the benefit.

264. Professor Douglass.—The Members of Session are elected by the congregation?—The members of the Session are elected by the congregation.

265. In that it corresponds to the Select Vestry very much?—Yes.

266. Lord Justice Fitzgerald.—In what parish are the Nicholas-street schools?—I understand St. Michael's. Henry-street is in St. Michael's.

267. In these only our Presbyterian congregation in Limerick?—That is all.

268. Professor Douglass.—Under whose management are the Nicholas-street National Schools?—Under my management, that is to say as a matter of convenience, and for correspondence with the Commissioners of National Education. I take the management of the one series of schools over at St. Nicholas, and the Rector of St. Michael's has the management and correspondence for the female school, Henry-street.

269. Lord Justice Fitzgerald.—I believe it is only very recently that the Henry-street school was attached to the National Board?—Only last year.

270. Was that on account of any objection on the part of your colleagues?—No; for a time we did not want it, and we have found latterly that for its sake of the education itself, and keeping the teachers up to the mark, it would be a great advantage to have it placed under the National Board to get the benefit of inspection, &c.

271. Have the results satisfied you?—Oh, yes; the school is an interesting school, and last week several additions were made to it.

272. Professor Douglass.—Is there a parochial school near the Nicholas-street schools?—There is a school, I think, under Roman Catholic management, and the Protestant Dean has a school about 400 pupils off.

273. Lord Justice NAISH.—What was Mrs. Villiers' maiden name?—Scott, her mother was Mrs. Scott.

Rev. Wm. J. Clarke sworn.

Rev. Wm. J.  
Clarke.

274. Lord Justice Fitzgerald.—You are the Rector of St. Michael's?—Yes.

275. How long have you held that post?—Since September, 1883. I succeeded the late Archbishop of Limerick.

276. As Rector of St. Michael's you are one of the Governors of the Villiers' Charity?—Yes.

277. You have heard the evidence that Dr. Wilson has given?—Yes.

278. You can add any statement you wish. As regards the future management, is there any suggestion you would like to make?—I have heard the evidence that Dr. Wilson gave, and I quite concur. If I were asked what would be the best means to elect if the trustees were increased, I would say either myself or my Select Vestry should nominate. I would rather have the nomination of the lay trustee myself, or if the Commissioners would wish it, the Select Vestry of my parish.

279. Some of the schools are in a different parish—whether would you think it better that the Select Vestry should have the nomination, or that the nomination should be made by the Diocesan Council?—I would rather myself in the first place, and my own Select Vestry in the second place, and if you would not wish to have either of those, then I would be satisfied to have whatever you would decide on.

280. Do you think four is a large enough governing body?—I think so.

281. Rev. Dr. MASON.—If only one parish is to be

represented, which parish is it to be?—St. Michael's.

282. Would the other parish be satisfied to have its school administered without any representation?—There is no other parish.

283. I thought the two institutions were situated in different parishes?—There is one of the Villiers' schools situated in St. Michael's.

284. The parish in which that school is situated would have no representation?—The school has no connection with St. Michael's parish whatever.

285. Dr. TRAVERS.—Do none of the children of St. Michael's parish go to the school?—The children going to the school I fancy are drawn from a great many parishes; we don't refuse any children that wish to come.

286. Are the parochial schools in that parish district from the Villiers' School?—There is, I understand, a regular parochial school under the National Board in St. Michael's parish.

287. Is that one of the schools that led to the boys' school falling off?—One of those that helped is that.

288. Lord Justice Fitzgerald.—I presume, if a governing body of four trustees was formed, you would rather they should have a discretionary power of electing the education and extending it to technical education?—Yes, if you added to the number of trustees, I would like their powers to be defined; I fancy they would not be paid trustees, as Dr. Wilson

and myself, and if you would wish to give them power like ours, I would like that these would be set out.

388. Professor DORRINGTON.—You don't regard yourself as having a vested interest in this trust?—As master of St. Menetrix's, I would think so.

389. Rev. Dr. MOLLAY.—Payment is made on the ground that you examine the pupils monthly in literature and the Christian religion—I don't know on what grounds the payment is made.

391. That is what is stated in the Report of 1880—I do really save work for the £38 odd that I get that I would do for three times the amount for anything else.

392. Professor DORRINGTON.—I presume the payment is made under the Chantery scheme?

Rev. Dr. WILSON.—The payment is made under the will of Mrs. Villiers.

393. Rev. Dr. MOLLAY.—There could be no question at all about your vested interest in that payment. Should you see any objection that we should provide that in future your successors should not have it?

Rev. Mr. Clarke.—I would certainly. I would like my successors to have all the same rights and benefits as I have myself, unless they give it up, as provided in the will.

394. Lord Justice FRYGROUSE.—They have duties to perform, I think, in connection with the almshouses?—Yes.

395. One of the objections to having a governing body of an even number is that they may from time to time be equally divided in opinion upon some question?—In that case I would have the senior trustee in the chair, and would give him a casting vote.

396. I was just going to ask you whether you thought that fair or not?—Dr. Wilson is the senior trustee at the present time. I was very anxious about that part of the evidence that referred to the payment of the master's salary in Henry-street. I was very anxious that the Commissioners in considering it would give us the liberty of diverting that part of the endowment, so as to make our orphan school in Henry-street a better school, give us larger powers, and enable us to have, perhaps, an assistant teacher there.

397. Speaking generally, what occurs to us is that elementary schools, that is to say, schools that give the education that is to be got in a National Board school, don't depend at all on an endowment. The National Board schools seem to be as good schools as any others, whether endowed or not, and therefore the first object to be looked after about this fund is to try by its aid to give a better education. In the model schools, that can be given to a certain extent, but they stop short of Latin and French, and technical education; education of that sort is very badly endowed and provided for, so I presume what you would propose would be that you should have power, if you keep up a boys' school, to give a better class of education, and you should not be bound to keep it up if that class of education is given at Leamy's School or elsewhere, and that you should enlarge the accommodation for orphan girls?—Yes.

398. Where do your girls come from—what class of life?—We have had more applications than we could find places for sometimes, and we are sometimes without an application, but generally speaking we have more than we can admit.

399. When a vacancy occurs what steps do you take to make it known?—I don't know that we have advertised lately.

Rev. Dr. Wilson.—We don't require it at all—the applications are always before us in advance.

400. Lord Justice FRYGROUSE.—Could you tell us how the religious denominations of the girls are divided?

Rev. Mr. Clarke.—Do you mean in the election?

401. I mean in the school as it stands at present?—The trustees, in accordance with the powers vested in them by the will for managing all those things, have decided on dividing the number equally; we have a place for ten Episcopalians, and for ten Presby-

terians; the numbers are very rarely ten each, we have only sixteen now, for instance.

402. Professor DORRINGTON.—Are they divided equally?—I have at present nine Episcopalian children in the school, Dr. Wilson has the remainder.

403. Rev. Dr. MOLLAY.—But you aim at having the numbers about equal?—Yes.

Rev. Dr. Wilson.—A short time ago the Presbyterians predominated; then, of course, when they came to be apprenticed out and there were vacancies, it was only fair the Episcopalians should get their turn, and although we aim at having half-and-half, you can easily see at one time one denomination may predominate.

404. Lord Justice FRYGROUSE.—Supposing you aim at having half-and-half, and it was the turn of a candidate of one denomination to make them equal, and although you had a candidate of that denomination yet there was a more urgent case of the other denomination, have you any rule that would prevent your accepting that candidate?

Rev. Mr. Clarke.—The more urgent case is always taken.

405. Rev. Dr. MOLLAY.—You generally give the preference to the more urgent case?—To the more urgent case.

406. And the result is that each denomination gets about an equal number of appointments?—Yes.

407. It would seem, then, that the wants are about equal of each denomination?—Yes.

408. Lord Justice FRYGROUSE.—We will ask you at your own convenience to meet together, you and Dr. Wilson, who have had such long experience of this place, and to go fully and carefully through your position both with regard to the property, the constitution of the governing body, and the administration of the charity. Bear in mind, we have no power to alter the trusts of what is not educational, the Widows' Almshouses, the fees for the clergy, or those other matters in the will; but we have complete power, inasmuch as they run less than the educational endowment and derived from the same source, to arrange for their management. As regards the schools in all details, it is entirely open to us to remodel the thing; having regard to Mrs. Villiers' intentions, there is nothing else to guide us. And we will be glad to have from you the suggestions that your experience enables you to give. We will then draw up a draft scheme, and let you see it before we publish it, and you will afterwards have an opportunity to object to it. We don't bind ourselves to accept your suggestions, but we will largely consider them. We will expect to hear from you.

409. Lord Justice NAUGHTON.—You might consider whether the funds should remain in Chancery or be vested in the trustees?

Rev. Dr. Wilson.—I think it might be very desirable that we should have it under our own control; it would save a vast amount of correspondence as well as expense.

410. Most Rev. Dr. O'Dwyer.—There is a matter in connection with the Villiers' School I should like to mention. I see that a schoolmaster in Henry-street, examined before the Commission, which reported in 1881, was asked "In what rank of life are the boys?" "Gentlemen's children," he answered "all of them, gentlemen's and mechanics." I believe now it is proposed to abolish that school altogether. I think the abolition of a school that was endowed originally for the education of the poor will have an effect upon the distribution of other endowments left for the poor also. One of the reasons given for the abolition of this school as a poor school is that Leamy's School is near it and the Model School near it. A question may arise as to the distribution of Leamy's endowment subsequently, and therefore I think before this was abolished it should be ascertained if there are poor Protestants in the city who would avail of the education to be given there, if it was ordained as a poor school according to the intention of the testatrix.

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 Rev. W. J.  
 Clarke.

Lord Justice Fitzgerald.—Of course that would be quite necessary to consider, especially when we come to deal with the other endowment, but as far as I remember there is nothing in Mrs. Villiers' will specifying the class of children to benefit. It is only on the assumption that there is other provision for the poorer children that this school would be done away with.

Most Rev. Dr. O'Dwyer.—I see in the same Report a similar proposition was made with regard to Dr. Hall's Charity; it was proposed to abolish that and to amalgamate the endowment with the almshouses, and those seems to be a general system of abolishing school endowments for the poor Protestants of the city and amalgamating them with the other charities. I think that is very unfair, first to the poor Protestants, and then to the city, and then to us Catholics, when we are claiming a share in the neutral endowments.

Rev. Dr. Wilson.—We never made any distinction in the admission of children to that school owing to their social rank, and we have educated there Presbyterians and Episcopalians orphans without their paying one penny of school fees.

311. Lord Justice Fitzgerald.—What the Bishop suggests is that if the school in Henry-street, which would take poor children as well as the latter class, were closed there would be a larger number of children to be thrown on the other funds available.

Rev. Mr. Clarke.—We have no objection in the world to keep the school open if we could be supplied with pupils, but we object to keep a sickly school staggering on with four or five pupils.

312. Professor DOUGHERTY.—Was the smallness of the number of pupils the only reason for not maintaining the school?—That is the only reason.

Lord Justice Fitzgerald.—In fact the school cannot be said to be closed, because you are bound to pay your master.

Rev. Dr. Wilson.—I may state, as a matter of fact, that the school is not closed, but we were unwilling to hasten our action in the matter knowing this Commission was coming on.

313. Lord Justice Fitzgerald.—I presume you will not appoint a new master until we see what is to be done?

Rev. Dr. Wilson.—No, certainly.

314. Lord Justice NABH.—What was the number of boys when the last teacher was there?—When the man left who was with us only a short time, there were six or seven on the roll.

315. Lord Justice Fitzgerald.—You never had any boarding department for boys?—Never, and I have seen sixty boys on the roll of that school.

316. Rev. Dr. MOLLOY.—The fact seems to be that the boys were drawn away by the opening of other schools in the neighbourhood?—That was one element in the case, we were also unfortunate with regard to teachers, and the only teachers we could get, owing to the small endowment, were teachers who had a profession before them; one became, for instance, a minister of a section of the Church, and another went to another department.

317. Lord Justice NABH.—Can you tell me exactly what did the scheme provide with reference to the boys' school at Henry-street, did it give any direction as to the class of children to be taken in?—Nothing.

Most Rev. Dr. O'Dwyer.—I see in the Blue Book of 1858, that according to the Chancery scheme this school was endowed for the education of poor male children.

Lord Justice Fitzgerald.—There is no class that feels poverty more than the children of men who have been in a better position in life and have left no means.

318. Lord Justice NABH.—Did the boys taken in at the Henry-street school pay fees?—They did.

319. Lord Justice Fitzgerald.—Are there not in the neighbourhood of Henry-street parochial schools or other schools under Protestant management?—Yes, there are.

320. What elementary schools are there close to you?—Rev. Mr. Clarke.—St. Michael's Parish School.

321. Is that in connection with the National Board?—Yes.

322. How near is that to the building in Henry-street?—Three or four minutes' walk.

323. Then is there public provision for elementary education for Protestant children under Protestant management in the neighbourhood?—I think so.

Rev. Dr. Wilson.—As a Presbyterian minister I never interfere with the children of members of my Church going where the parents choose, the result is some go to the Model School, some to Leamy's, and some to Villiers'.

324. Lord Justice NABH.—Was the education given at the Henry-street school the same as would be given in a National school?

Rev. Dr. Wilson.—It was latterly, with the addition of classics.

325. Dr. TRAITS.—Has the Rector of St. Michael's, or the Presbyterian minister, at any time declined to act as trustee under this will?—Never.

326. Lord Justice Fitzgerald.—I presume in one either of these official trustees declined to act, either himself or his congregation would be the proper authority to appoint someone in his place?—There is a provision under the will for appointing in that case.

#### \*LEAMY'S FREE SCHOOL.

Very Rev. Thomas Banbury, Dean of Limerick, sworn.

Very Rev.  
 Thomas  
 Banbury.

327. Lord Justice Fitzgerald.—Do you sit on the part of the trustees of Leamy's School?—Yes, I have been deputed by them to attend.

328. I believe the school was originally founded under a will?—Yes, the residue of the founder's property was given for the purpose.

329. The residue was stated to be given to his executors to be by them applied to the "education of the poor in Ireland, principally those in and about Limerick city, as they, my executors, in their better judgment should deem meet, to give this bequest the most extensive efficacy"?—Yes, but I may state, we work under a Chancery scheme.

330. The executors did not act, and the Lord Chancellor made an order in 1842 for the purchase of premises and the establishment of the school, in which a system of education, subject to the approval of the Lord Chancellor, should be carried out; "that part of the daily instruction should consist in reading the

Holy Scriptures, without note or comment, and for that the scholars should during an hour each day be placed in two separate rooms, the Protestants in one room, and the Roman Catholics in another, and while there the Protestants should read the Holy Scriptures without any restrictions, and the Roman Catholics should read such portion of the Holy Scriptures as were contained in four small books published by the National Board." That system remained in force from 1844 to 1874. Is that scheme now in force?—Yes, and I am here on behalf of the Governors, to say we are satisfied with this scheme, and don't desire it should be altered. Application was made to the Governor by your Commission to furnish a draft scheme, if we thought fit, and our reply was, that we were satisfied with the scheme under which we at present work, and considered that the school was being efficiently conducted so far as the funds at our disposal permitted.

331. What is the endowment?—The property

amounts to over £10,000, all invested in the Three per Cent. It is in Chancery, the money is paid under power of attorney, and lodged in the Provincial Bank, and the Governors draw. The whole income of the charity amounts to about £400 a year, but included in that sum are pupils' fees.

332. I find that in 1880 the endowment was £10,245 11s. 6d. consols, and £353 6s. 9d. cash in bank!—That is right so far as the capital sum invested in consols is concerned, but the cash balance has been considerably cut down since, as the expenditure has exceeded the income.

333. Who are the Governors?—Lord Enly, the Bishop of Limerick, Dr. Graves, the Ven. Archdeacon Hamilton, Dr. Kane, Sir James Spaight, Mr. Robert Hart, Colonel Mansell, Captain Vanderkate, Lord Clarendon and myself.

334. How were they appointed?—They were appointed by the Court of Chancery; when a vacancy occurs, we recommend a name to the Court, and the Court usually sanctions the appointment made by the Governors. I find eleven Governors were named by the first order, with power of re-election subject to the approval of the court. Six additional Governors were nominated in a second order in addition to the survivors of the original eleven. Two vacancies have since been filled, but at a cost of £20 for each, consequent on securing the approval of the Lord Chancellor.

335. An application for an alteration of the scheme appears to have cost about £370?—Unfortunately there was considerable litigation as regards this trust at one time, and the expenses were very considerable. The expense of appointing Governors is ridiculously large £36 or £37.

336. How does it cost that?—Chancery costs.

337. Rev. Dr. Monro.—It costs £20 to get the approval of the Court of Chancery for each Governor?—That is what it costs. We hesitate to nominate when we have merely one vacancy, we have on more than one occasion waited until we had two vacancies, as it saves the expense of appointing two is not more than the expense of appointing one, but the particular of the costs I cannot inform you of.

338. What is the number of pupils in attendance at present?—In the male school on the roll at present there are forty-five boys, of these twenty-nine are paying and sixteen free.

339. Lord Justice Fitzgerald.—What is the amount of payment?—£2 a year, that is under the scheme. We are limited in the number of free pupils to twenty, we cannot have more than twenty under the scheme, it happens we are four short of our number on the present day, but the probability is that it will be filled up shortly. We sometimes are quite up to the number, and sometimes not.

340. Now, the girls?—Sixty-five on the roll.

341. How many of them are free?—Twenty, the full number, and forty-five paying.

342. Do they pay the same fee as the boys?—The same.

343. Lord Justice Farnham.—Can you tell us what the average attendance is?—The average attendance of boys thirty-five, and of girls, fifty-five.

344. Lord Justice Fitzgerald.—What is the class of education given in the school?—Good English education, French, and chemistry.

345. Is it beyond the National Board subjects?—Quite beyond it. The boys' school is an intermediate school purely. The girls' school partly primary and partly intermediate. The girls' school is a mixed school, boys under the age of nine years being admitted; when they exceed that age they are admitted to the male school.

346. How many of the sixty-five are in the primary department?—I should say about half.

347. Dr. Traill.—I ascertained this morning that they are not learning French?—Oh, they are. We have not a French mistress now, a little time ago we

had, but we were obliged to dispense with her services in consequence of want of funds. We are greatly hampered as regards funds. You might have seen that the schoolrooms were very unsatisfactory in appearance, unfurnished; going on as we are we exceed our income.

348. Lord Justice Fitzgerald.—Is there no attempt made to increase the funds except by fees from the children?—How could we increase it?

349. By getting people to help you by putting their hands in their pockets?—That is not very easily done.

350. Now in mind you have a capital sum of £10,000?—We have to give the master a large salary, and the assistant master, and the mistress, under the scheme, and then there are very considerable expenses keeping up the building, it is very large, suited to double the number of boys.

351. Rev. Dr. Monro.—Do you send up pupils to the Intermediate examinations?—Yes.

352. We learned at the school that six girls went up and four passed last year?—Yes.

353. Did any boys go up?—Yes, I remember two boys went up straight into the College of Surgeons.

354. With forty-three boys in an exclusively intermediate school how do you account for the small number going up to the Intermediate Examinations?—I think we have not masters enough.

355. You have a head master and an assistant?—Yes.

356. Lord Justice Fitzgerald.—Do the governors meet at any fixed time?—On the first Wednesday of every month at the Board Room.

357. What is a quorum?—We have no specified quorum.

358. What is the usual attendance?—It varies from six to three, I don't think we ever transacted any business when less than three were present.

359. What are the religious denominations of the pupils?—At present there is one Roman Catholic boy and seven Roman Catholic girls.

360. That is right out of 108?—We had a much larger number a little time ago.

361. As you tell us that the governors are satisfied with the scheme, how do you reconcile that with there being only ten per cent. of Roman Catholics in the school, the scheme contemplating that they should be taught as well as Protestants?—In February, 1885, the Roman Catholics were all withdrawn in a body, we then had twenty-seven Roman Catholics in the girls' school, and they were all withdrawn.

362. Rev. Dr. Monro.—Then the Catholics don't appear to be satisfied with the school as it is at present conducted?—I presume not.

363. Lord Justice Fitzgerald.—Do any of the Catholic Governors attend?—No, Dr. Kane did for a long time, but he ceased to attend recently.

364. Are there any Roman Catholic governors at present on the body except Lord Enly and Dr. Kane?—That is all, the Roman Catholic Bishop is not, the late Roman Catholic Bishop was.

365. Then the governing body has practically become Protestant, and practically none but Protestant children attend the school?—Not from any act on our part.

366. I suppose we may take it that the resolution of satisfaction with the existing state of affairs was one arrived at by the Protestant members of the Board?—Certainly, they only attend now. We are not satisfied with our endowment, we want more money.

367. How many pupils in the school building calculated to accommodate?—Certainly more than double the number of those attending. There are four very large schoolrooms, of which two are now in use.

368. Lord Justice Farnham.—If the other two were utilized would they not hold considerably more than double the present number?—I think the present schoolrooms would hold one-third more than we have.

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Very Rev.  
Thomas  
Barbery.

certainly more than one-third in the boys' room, and perhaps one-third in the girls'. The girls at one time amounted to over 90.

369. Lord Justice FRYGEMAN.—I should say each of the four schoolrooms would hold about 100!—About 100.

Lord Justice NAIK.—I see the Rev. Benjamin Jacob stated there was school accommodation for 500.

370. Rev. Dr. MOLLOY.—At all events there are four schoolrooms and each of these would fairly accommodate 100 pupils?—At least.

371. Lord Justice FRYGEMAN.—And if you had 400 in attendance, each of whom was paying over £1 a year instead of £2, your income would be very much larger than it is?—But you see it would entail a very much greater expenditure as regards teaching staff.

372. The money, I presume, is all paid half yearly by the Court of Chancery?—Yes.

373. How are the trustees' accounts kept?—They are kept by the paid secretary, he gets £20 a year.

374. What are his duties?—Just to keep the accounts and send out notices and summon the meetings. We have the children examined annually, and I present the last report of the examiner, you will find that it is very good.

375. Dr. TRAILL.—Who was the examiner?—Mr. Dewd.

376. Professor DOUGHERTY.—What is he?—He is a clergyman of this diocese belonging to the Church of Ireland, he is Diocesan School Inspector.

377. He is principally engaged in testing the religious knowledge given in schools?—Yes, but he is quite competent to test the other branches of knowledge, he was a scholar of Trinity College.

378. Lord Justice FRYGEMAN.—[Reads report of examiner.] Now, the expenditure. The first salary paid is Halpin, 5s. a month, a caretaker. Then Mr. Mercer?—He is the head teacher, he gets £100 a year, and a capitation grant of £1 over the number of twenty children.

379. He gets no capitation on the free pupils?—No, but on the other pupils in excess of twenty he gets a capitation grant of £1, that is under the scheme of the Court of Chancery.

380. The next is Mr. Moore?—He is second master, he was appointed under this scheme too.

381. What does he get?—£40, and he has 5s. capitation when the head master gets £1.

382. Then there is the servant, Miss Muller, £4 5s. 4d.?—That is for keeping the school premises in order.

383. Miss Harrold?—She is a teacher in the female school, there is a head mistress, Miss Mercer, who gets a salary of £50 a year, and her assistant gets £30. There is also a mistress, she gets a smaller sum, Miss Croston.

384. Is there any difference in the instruction given at Leamy's School to girls, from that given at the Villiers' School?—It is pretty much the same, I am not sure whether they teach French at Villiers' School.

385. What class of children attend the school?—We have a variety of classes in Leamy's School, we have had children of the gentry, and children of the most humble parents, we have had children of domestic servants on the free list.

386. Are the children attending Leamy's School at present, taking them all round, fairly to be described as children of the poor?—The free pupils are quite poor, but not the others.

387. How are the free pupils appointed?—By the governors, the application is made to them.

388. How does it happen that there are not the full twenty at present?—It varies, sometimes we have more applications than we have vacancies, and sometimes for a very short time the numbers fall away, people moving from the city.

389. Dr. TRAILL.—You have thirty-six out of a possible forty?—We have.

390. Lord Justice NAIK.—How are they selected?—By the governors on the merits of the case.

391. Lord Justice FRYGEMAN.—Then the return from an endowment intended for the poor in Ireland would appear to be thirty-six to forty free pupils receiving daily education. Do the governors consider that a reasonably satisfactory return for £10,000?—You see we are sitting under the Court of Chancery Scheme.

392. Yes, but you gave us an opinion that you don't want that altered?—I have my own opinion as regards the Leamy School, I am here now to represent the views of the majority of the Protestant governors, because the Roman Catholic governors have not taken any part in the school for a considerable time. Since I have been appointed a governor I have not seen any Roman Catholic governor except Dr. Kane, and he only was present for a short time. But I came here to state the views of the majority of the Protestant governors. I have my own views, but I suppose you don't want to hear them.

393. We should wish to hear them, bearing in mind that in the first place the usefulness of the endowment does not seem to extend to as many people as Leamy contemplated, and also that the working of the Chancery scheme is really the subject of our investigation?—May I ask, do you contemplate altering the Chancery scheme, is it in your power?

394. Certainly. Not to change it for change sake, but if it is not working properly. If we came to the conclusion that forty children of one religious denomination did not represent the extension of this endowment to all those for whom Leamy intended it, we would you propose to act about increasing its usefulness?—My opinion is that it ought not to be kept up at all as a primary school, it ought to be established as a purely intermediate school; there is a great want for a Protestant intermediate school in Limerick, not only in the city but for the district around. There are plenty of primary schools, there is the model school, a first-rate school; there is a large Jesuit school—I am now speaking of the opportunity for the education of the poor Protestants—there is St. Michael's School conducted under the National Board by Archbishop Hamilton, there is Mr. Gregg's School, which is a large school, and I consider that the Holy School, and the Parochial School of St. Munchin's are quite sufficient for the poorer class of Protestants in that part of the city of Limerick.

395. Lord Justice NAIK.—What class do you think ought to be admitted to it if it were converted into an intermediate school?—The poorer class—providing boys from the primary schools that require further instruction and more extensive education than they can receive at the primary schools.

396. Rev. Dr. MOLLOY.—When you speak of intermediate education, do you mean education entirely of a literary kind, or do you include any other kind of intermediate education?—Literary quite.

397. Not industrial or commercial?—Oh, certainly commercial.

398. Do you mean to include the classical?—In the rudiments of classics. I consider in training—of course that is only an opinion—for a mercantile profession that some knowledge of the classics is necessary.

399. If it is to be an intermediate school, should it not give such training as would qualify the boys to pass at the intermediate examinations?—Certainly.

400. Lord Justice FRYGEMAN.—It is very difficult for a boy to get any distinctions at those examinations unless he takes up at least Latin?—We do teach Latin in the school, and I should say that we may extend that branch of teaching.

401. Rev. Dr. MOLLOY.—Do you think it desirable to expend an endowment which is intended for the poor, upon the maintenance of a classical school?—When we have sufficient primary schools to educate the poorer classes and when we feel a great want of an

intermediate education, I think, if you, Commissioners, have power to make the alteration, it is desirable it should be made.

402. Dr. TRAILL.—I suppose you mean that the National Board, having come in since this will was made, there has been a provision for primary education made by the State?—Yes, there was no such thing as the National Board in his time.

403. Rev. Dr. MOLLAY.—We must keep in view the intention of the founder, which was the education of the poor. Do you think a classical education is the best suited for the poor?—Certainly not, if you mean the very poor.

404. Lord Justice Fitzgerald.—He said, himself, "the poor in Ireland, principally in and about Limerick city"—I do not think that the scheme we now work under is fully in accord with the intention of the donor, I think his intention was to give the poor an education that they now get in the National Schools.

405. Dr. TRAILL.—He gave a large discretion to the executors, how long are they dead?—I don't know.

406. Have you made any inquiry about them?—No, I have not. My opinion is that when that scheme, under which we now act, was passed, that latter clause of the will was not kept in view.

407. Were any of those executors alive in 1842? Have you the history of the first Chancery scheme? and do you know who applied for it?—Here it is (produces).

408. Lord Justice NAISH.—Had not the school got shut up in the interval between 1833 and 1844?—It was, and there was litigation.

409. Rev. Dr. MOLLAY.—I should like to know whether you think it would be possible in Limerick to provide a kind of education more advanced than the education given in the National schools, but still suited generally to the wants of the poorer classes—an education which would in some way help to fit them for their work in life?—That is what I think we very much require. When promising boys present themselves in the different schools of the country we have no means in Limerick of forwarding their education. We have a great want of a school in Limerick, where their education could be completed; I mean boys that would probably make marks in life if they had favourable opportunities.

410. But the general run of those boys cannot hope to follow a university career, nor is it desirable they should?—Certainly not.

411. Then the kind of education they want is something different from the education given as a preparation for the university?—Yes.

412. Would it not be possible out of this endowment in some way to provide the kind of education that is wanted?—That is my idea—that is what I had in view; and I said that although I was here to represent the views of the Board, my own views were not in accordance with them.

413. Lord Justice NAISH.—Are you aware of what religion Mr. Lenny was?—I don't know—I never inquired.

414. Lord Justice Fitzgerald.—Do you know who the executors were?

Dr. TRAILL.—Marion Fitzgerald, of Clonas, near Castleknock, Ireland; and John Taylor, of Bond Street, London; and in the scheme of 1842 the trustees were Francis Alexander Fitzgerald and Charles Frederick Burton.

Lord Justice NAISH.—That is ex-Baron Fitzgerald. There is a letter here of Mr. Kearney's, in which he said the testator's family had been all Roman Catholics, and he was not aware of any evidence given before the Master in Chancery to show that the testator was of a different religion.

415. Lord Justice Fitzgerald.—There is nothing in the will to indicate that any question of religion

entered into his mind?—No, he does not seem to have troubled himself about that.

416. He made his will in Madeira. Can you suggest any way in which this money could be made available for the advancement in practical instruction of the children who deserve protection from the primary schools?—I think we would require more funds in the first place.

417. I think that is an insuperable obstacle to your proposal?—I would suggest that the money hitherto allocated to the male school at Villiers' should be applied to the creation of an intermediate school at Lenny's, and I should have no objection to a certain endowment in my own parish being allocated to that purpose also, under the Crown Charity, because in those districts we have very good primary schools where the Protestants can be taught.

418. What is the Crown Charity?—The Cathedral Grammar school.

419. Is there not also a sum of money available for educational purposes under Dr. Hall's Charity?—That has been diverted to another channel under a Chancery scheme, and is now applied to the payment of widows.

420. Lord Justice NAISH.—Is any portion applied to the purposes of education?—Not now.

421. Lord Justice Fitzgerald.—What would be the amount of the Crown Charity per annum?—£32 odd.

422. Do you think it would be possible, with the Crown Charity money, and whatever share of Lenny's money would be fairly allocated to children of the class you describe, to give such substantial assistance as would enable a Protestant intermediate school to be kept up?—I think so; that would add £50 a year.

423. And that could be done in such a way as to let poor children, who would be objects of Lenny's Charity, get the advantage of advanced education and at the same time provide a school where parents who could pay could procure the education of their children?—Yes, and I would increase the fee—£2 a year is ridiculously small.

424. Have you ever had any difficulty between the children who could pay and those who were free?—None at all.

425. Where do you think Governors could be got who would have the confidence of the Protestant community?—I think the Protestant Governors as at present in existence have that confidence. Those Governors might be made Life Governors with power to co-opt.

426. Professor DOUGHERTY.—Do they all belong to your own denomination?—Yes.

427. And you are proposing to divert part of the Villiers' money?—We should certainly bring in Presbyterian Governors, and we have been most anxious that Dr. Wilson should be on the board. He was asked by the Governors whether he consented to act if co-opted, and for one reason or other he was not available. There is a vacancy at present, and if things went on as they are we would be disposed to co-opt him.

428. Lord Justice Fitzgerald.—We were told there were some Methodist children—have you any Methodist Governor?—No, I think if we had it as an intermediate school there ought to be Methodists on the board.

429. Do you consider that if the Protestant denominations had the Crown charity fund, their share of Lenny's fund, whatever it was, and the buildings, they could maintain a school such as you say is wanted—would there be a sufficient number of children able to pay fees to supplement the endowment, and so make it a successful school?—I think so.

430. There is a great want of intermediate education?—A very great want, we feel it a pressing want.

431. The only way that could be done consistently

Oct. 19, 1888.

Very Rev.  
Thomas  
Baileys.

Oct. 15, 1892.

Very Rev.  
Thomas  
Barbery.

with the will would be that the fees to be paid by the better class of children should supplement the endowment of which the poorer are entitled to the benefit. Is there in Limerick a class of poor children who could be instructed with those of a better class without chalking?—It has been the case hitherto. We have had the children of magistrates and of the gentry at Leamy's school.

432. Lord Justice NAUGHTON.—Could you tell me the Protestant population of the city?—The Church people are 3,200 to 4,000.

433. And how many Presbyterians?—I cannot tell you. I don't think the Presbyterians amount to more than 500.

434. Rev. Dr. MOLLOY.—What kind of education is given in the Model School—is it merely primary education. I am anxious to know whether the education given in Leamy's School is different?

Rev. Mr. Gregg.—I could not tell you how high the education goes, but they have every apparatus and appliance, and they have a very experienced master and mistress.

435. Rev. Dr. MOLLOY.—Is the education given at Leamy's higher than that given at the Model School?

Rev. Mr. Gregg.—I think so in science.

436. Lord Justice FITZGERALD.—Have you had any connection with the Science and Art Department?

Dean Barbery.—We have; we have a class in connexion with it at Leamy's—mathematical. I would point out to you that Protestants and Roman Catholics are not working together in the Leamy School. The present Governor invited the present Roman Catholic Bishop of Limerick to take a seat on the board, and for some reason or other I don't think there was a response from his lordship of his willingness to accept the seat.

437. We generally find they work better apart than together?—Unfortunately I think that is the case in this country, and therefore I think Leamy's School would perhaps be better off if there was one body there only.

438. You would not advise us to go back to the system where the Protestants were reading the Bible in one room, while the Roman Catholics were reading the Holy Scriptures, according to the National Board, in another?—No.

Most Rev. Dr. O'Dwyer.—Would you kindly ascertain when the twenty free girls and the sixteen free boys began to attend Leamy's School, because I find at the investigation in 1881 there were but two free girls, and I would like to know if any of those free children have been transferred from the Villiers' School or borrowed from any other Protestant school in the city. The master was asked at that time "What class of life do the children attending the school belong to?" "Respectable middle class." "Are their parents shopkeepers?" "They are all with one or two exceptions in business." The mistress answered, "I have two girls who are free pupils." Now it has suddenly started up to twenty.

Dean Barbery.—I beg your pardon, my lord, it was not very suddenly. We have had a considerable number for some years. I think we have mended our hands as regards the free pupils. We saw it was right we should, and some of us pressed that point.

439. Lord Justice NAUGHTON.—Could you give us a return showing the number of free pupils you have had every year since 1860?—Yes, here are the minutes (produced).

440. Lord Justice FITZGERALD.—In February, 1885, the number of pupils on the roll—female department, 161; paying pupils, 52; free pupils, 9. September, 1885—Male department, paying pupils, 39; free pupils, 6; total, 47. Female department, paying pupils, 54; free pupils, 10. March, 1886—Male department, paying pupils, 40; free pupils, 13.

Female department, free pupils, 11; paying pupils, 40. September, 1886—Male side, paying pupils, 34; free pupils, 10. Female—paying, 31; free, 21. December, 1886—Male, paying pupils, 38; free, 37. Female—paying pupils, 45; free, 30. It is only within the last year it has come up to the full number?—Yes.

Most Rev. Dr. O'Dwyer.—That increase, my lord, occurred immediately after a letter I wrote to your Commission, complaining of the management of Leamy's school and its working.

Dean Barbery.—I don't think that letter was ever before the Governors.

Lord Justice FITZGERALD.—At all events the increase arose apparently after our Commission was in force.

441. Rev. Dr. MOLLOY.—Previous to the report of 1880 the Governors had made every exertion to get applications for free places, and had failed to do so, so that you have succeeded in getting applications?—Yes.

442. Can you account for the change that has taken place?—I don't think I can, I was not a Governor then.

443. Lord Justice NAUGHTON.—When were you appointed a Governor?—In 1882, and since then I know more about the pupils than before.

444. Rev. Dr. MOLLOY.—The number of free places filled has been gradually going up.

Lord Justice FITZGERALD.—In November, 1884, the free pupils on the boys' side were only five, and on the girls' side only eight. You have been admitting free pupils more largely than before?—I think it first in three years it was not as well known that free pupils could be admitted.

445. What is your system of admitting them?—Applications were made, and we then inquired with regard to them, and the applications usually came through a Governor, and the Governor was supposed to be able to tell us something about the application, and if we were not satisfied with the knowledge of the Governor that presented the name, we made inquiries, and selected those that were poorest, of course of a respectable class.

446. Do you think that you might get an increased number if you were to have an examination among the clever pupils of the primary schools in the neighbourhood, more or less of a competitive character. I think if it was established as an intermediate school, it would be more or less desirable to have a competitive examination for entrance, not entirely competitive, but I think there ought to be some attempt at competition. I think that would have a good effect; we then would get clever boys from the country, perhaps, to come in.

447. Rev. Dr. MOLLOY.—About what value do you set upon the buildings?—They cost a great deal of money.

448. Lord Justice NAUGHTON.—Don't you pay your head rent?—Something very trifling. I am afraid the buildings cost a great many thousands pounds.

449. Rev. Dr. MOLLOY.—Buildings are not always worth exactly what they cost; what would you put them down at?—I think £4,000.

Lord Justice FITZGERALD.—I think you could build them new for that.

450. Dr. TRAILL.—If they were going to be charged against you as your share of the endowment you would not value them at £4,000?—I am not competent to give an opinion.

Lord Justice FITZGERALD.—I see they only cost altogether £3,940.

451. Rev. Dr. MOLLOY.—They constitute a substantial part of the endowment?—Yes, so far.

452. Dr. TRAILL.—When were they built?—About 1845.

VEN. F. C. HAMILTON, M.A., Archbishop of Limerick, sworn.

453. Lord Justice Fitzgerald.—How long have you been a governor of Leamy's school?—About two years.

454. You have heard the evidence the Dean gave, in what way do you think the endowment of Leamy could be best made useful. First, do you think it can be made useful jointly for both Catholics and Protestants under any sort of joint management?—I am afraid not, but that is no fault of ours.

455. That being so, if we were bound to make it under the will available for all, how do you propose to make it available for Protestants?—On account of the number of schools that are in the city already for the poor Protestants, there does not seem to be any want of a school of the ordinary kind but only of an intermediate school. I am rather of opinion that the education given there is sufficiently high as it is. I have been constantly into the boys' school, it appears to be a very advanced education they are getting there in Arts and Science and English, and, although they are not taught French at present, it is from want of funds.

456. Rev. Dr. MOLLAY.—They are taught French?—They are by Miss Mercer, but she does not feel sufficiently competent, she would rather have a French teacher.

457. Lord Justice Fitzgerald.—Is there any change in the mode of admission of children that would bring a larger number of pupils?—It is only within recent times we have felt that the provision for free pupils was not sufficiently availed of, and from time to time we increased their number. That has been since I joined as a governor myself, but I have no information as to any way in which the scheme could be changed or altered, and I am rather in favour of keeping the scheme just as it is now. We have so many other schools for poorer children I don't think any more poor

children would come to Leamy's school to-morrow if it was thrown open.

458. Is there any way in which you think the better class of children would be attracted to the place who could pay fees that would make it a school available for a larger number both of poor and the better class?—I have heard the mistress state that if there were a good education in French it would attract a number of the better class of girls.

459. Where do the boys and girls of Limerick at present that want to prepare for intermediate examinations get their teaching?—They are very badly off, they have to pay, for special instruction, tutors and governesses.

460. Are there any private schools in Limerick for boys?—No, none of the kind you speak of.

461. Are there any large number of visiting teachers or has everybody to get a tutor for his own sons?—The master, Mr. Switzer, and others, take private pupils in the evening, and in that way our boys get the advanced instruction they require for the intermediate examinations.

462. Where do boys that want to prepare themselves for the Civil Service get taught?—Mr. Mercer and Mr. Switzer take them; gentlemen's sons are obliged to avail themselves of these opportunities.

463. If there was a provision made to carry on a school that would supply that class of education, aided by a share of the Leamy endowment and the Crown charity, do you think there would be a larger number of pupils to take advantage of it?—I don't think that persons who wanted special education for the University, or those, or the higher grades of the Intermediate, would be content to attend Leamy's School, they would prefer to have private tuition of the kind they have now. I would wish to leave the scheme just as it is, and carry on the school as it is.

Rev. Canon Gregg, A.M., sworn.

464. Lord Justice Fitzgerald.—You are not a governor?—I am not.

465. You are a clergyman of a church in the immediate neighbourhood?—Yes, Trinity Church.

466. You were anxious to give some information about the admission of girls to Leamy's school?—I have had during the last two years a great number of people applying to me to get admission for their children as free pupils. I have got a good many in through the governors, but I frequently found that they had their number over-filled for the girls. Several are now waiting to get in when there are vacancies. There has been rather an over-supply of applicants to get into the girls' school free.

467. Lord Justice NIXON.—To what class of life do the girls belong?—Some are children of a warder in the county prison, some were admitted out of that family but others held back because there was no vacancy for the admission of free children.

468. Lord Justice Fitzgerald.—Could you mention the positions of the fathers of the other applicants?—There were others of a better class than the warder's children; it was merely when it was suggested there would not be a supply that I thought I would state that I have made applications for the admission of Catholics without success.

469. Then how do you account for there having been so long as very few?—I think the school has got

a high character at present, and that has attracted more children who wish to go there.

470. The number of boys does not seem to have been so full even as the girls until recently?—I think there are a great many more girls in the city than boys, I am sure there are three to two who require that class of education.

471. From what you know of the wants of the neighbourhood, could you give us any suggestion as to the best mode of using this endowment?—I think that what the Dean stated, and the Archbishop referred to, is a fact, there is a want in the city for a higher class of education.

472. Do you agree with them that there is no want of further means for primary education?—I think all the schools are primary, and any of the higher class are private; there are a number of private schools, and a great number of people living by tuition.

473. What private schools are there?—Miss Fitzmaurice's school in Thomas-street is a private school, and there is Madame de Pin's for girls.

474. She has been very successful at the Intermediate examinations; do you know how many girls attend her school?—I don't know; it is well supplied with pupils, and both Catholics and Protestants go to that school, she is a Roman Catholic herself, but they go because I believe they get a superior education there.

Rev. Canon Gabbett, A.M., sworn.

475. The point I wish to press very much is the importance of a good intermediate school in Limerick for the Protestants, for the best children in the primary schools in the country. For instance, I have had myself to send in a scholar to Leamy's school for

instruction for the Kildare-place Training School, and it is very important that the staff of that school should be increased and improved in every way, it would attract a great many of the best pupils in the country schools.

Oct. 18, 1887.

VEN. F. C. HAMILTON, M.A.

Rev. Canon Gregg, A.M.

Rev. Canon Gabbett, A.M.

OCT 10 1887

Rev. Canon  
Gilbert, &c.

476. Rev. Dr. MOLLOY.—How far did your candidate live outside Limerick?—Ten miles.

477. Then had she to board here?—Yes, she boarded and lodged in Limerick in order to go to Leamy's school to qualify herself for the Kilmareestown school.

478. Lord Justice FITZGERALD.—Supposing an arrangement was made by which Leamy's School could be made available as an intermediate school for the boys and the girls of the surrounding district, how do you think Protestants could be best represented on the governing body, so as to attract as many of them as possible?—They are very well represented at present.

479. That is by a system of co-optation, not representation strictly speaking?—Probably the Bishop of the diocese might nominate, or else the Diocesan Council.

480. The Diocesan Council meets in Limerick? I presume?—Yes, I am one of the Secretaries of the Council.

481. What large parishes are there in the county that you think could take advantage of Leamy's School?—There is one parish, Kilmans, where there is a large number of Protestants and a very good school, and they have sent forward some very good pupils. In Killyn parish, and Adare parish, there are a number of Protestants, also in Rathleone and Askerton, and we really have no outlet for these children where they can be taught, and no Protestant institution, though there are a great number of Roman Catholic institutions where intermediate education is given.

482. Your evidence is that there is a large district without intermediate education?—Yes, and without any suitable educational opportunities for Protestant children.

483. And you think Leamy's School might be utilised in that way?—Yes.

484. Most Rev. Dr. O'Driscoll.—About how many boys could be calculated on to attend a Protestant intermediate school?—That I could not say, one year I might have one, and there might be three or four from another parish.

485. Lord Justice NASS.—What is your parish?—Croon.

486. What about the Protestant population?—It is small, about seventy souls.

487. Rev. Dr. MOLLOY.—You think a good number of pupils would come in from these neighbouring parishes to Leamy's School?—Yes.

488. Why have they not come in hitherto?—I fancy they have from time to time, but if the education was of a first class it would attract them. Sometimes they

are sent to Doldin, to Kilmareestown Training School, or the National Training School, Marlborough-street, that is expensive of course, and the parents could have them very much more easily educated here, perhaps located with some friends in Limerick.

489. You would wish to have the standard of education raised?—I fancy it wants an increased staff of teachers.

490. Are there not enough teachers for the number of pupils?—I understand they want more masters.

491. Dr. TRILL.—If they had more pupils they could have a greater variety of teachers?—Of course, and if there was any money going for scholarships and other advantages, and the staff was improved—I don't mean to say the staff is not efficient—and if they got a superior class of teachers, you would have a superior class of pupils.

492. Lord Justice FITZGERALD.—Once the school gets to a certain size it does not need much money, if there are fees paid?—Mr. Dowd, the Inspector, told me it would be a great advantage to the school if there were more assistant teachers.

493. In order to bring in the people from these districts, you think the class of education in the school should be improved?—Yes.

494. And you think if it was improved it would bring in a larger number?—I think so.

495. And there is a very great want of an outlet for the primary schools, and also of a means of instruction for the better classes?—Yes.

496. Lord Justice NASS.—You think they would come in and live in Limerick for the purpose of going to the school?—Yes.

Dean Baskerville.—Might I supplement my evidence on one point. You asked me how I could account for there not being more applicants for admission. I think one of the hindrances is that it is a girls institution, there is no religious education.

497. Lord Justice FITZGERALD.—Is there no religious education at all?—I believe the masters read the Bible without note or comment, the Governors don't feel themselves justified in going farther.

498. Rev. Dr. MOLLOY.—Do you think it desirable that the Governors should have power to give religious education?—Much certainly, I think there is a great want of it, and that debar parents.

499. That would mean that the school should be denominational?—Most decidedly, I don't think it could work otherwise.

500. Professor DOWNEY.—With a competent staff?—Yes.

#### Witnesses sworn.

Mr. Elias  
Mason.

501. Lord Justice FITZGERALD.—How long have you been head master at Leamy's School?—Three years.

502. Where were you trained?—Santry School.

503. Did you come direct to Limerick?—I was assistant master in Fares for three years, and senior mathematical master at Rathleigh School.

504. You did not enter any university?—No; I got leave from five years ago, and I was prohibited by the doctor from reading, and in Limerick it is very inconvenient for me to go to the university, because my school would be left in one person's hands, and as the examinations are nearly always at school time I would have to be away from the school.

505. Did you get your own education altogether in the Incorporated Society's Schools?—Yes.

506. Did you get any classical education?—I got a little in Santry, and since then I have been reading nothing but classics. I have been up twice for scholarship. I was second out for scholarship in two years after 1861 in Trinity College.

507. As to the condition of the school, have the numbers increased or decreased during your time?—They have increased from 16 when I came, up to 54 last winter, back again to 45 now.

508. Were there only sixteen pupils when you came?—There were less, I think; sixteen came there in my first quarter.

509. How is it there are only forty-five now when you had fifty-four some time ago?—Last winter we got overhauled. Our school is very comprehensive, it embraces boys from seventeen years of age down to eight or nine. With two masters it is very hard to work four classes. The course of education is too extensive.

510. What are those children learning that are going in at such an age as nine or ten?—Elementary English. At twelve I commence elementary Latin with them.

511. How many of the forty-five children you have now could get at the Model School the whole of the education they are getting with you?—The two junior classes could; about fifteen.

512. Then about thirty are getting a more advanced teaching?—Yes.

513. Is there any want with regard to the teaching staff?—I know for certain that one boy was removed last winter because his father said there was too much work for two masters in the school. We could not

attend to all the boys we had; it is possible that was the case with more boys.

514. How do you and your assistants arrange the work?—We have four classes; I take two and be taken two.

515. You have such one class at desk work while the other is at oral work?—Yes, I also teach the girls in algebra, arithmetic, and Euclid.

516. One girl passed very high in these subjects at the Intermediate?—One girl got 75 per cent.

517. How many boys have you sent up?—As a rule the boys are over sixteen, and they are prepared mostly for commercial life, my duty has been principally bridging over the gap between Model School education and the entrance to commercial life.

518. Does not the junior grade suit boys of that sort?—When boys have got only six or eight months at school to finish their education it is not possible to put them in a regular laid-down course of instruction.

519. Can you give us any suggestions as to what you think would attract pupils to the school?—I think certainly if there was another master in the boys' school.

520. What subjects are not provided for at present?—I have to take both classics and mathematics. Being educated at Trinity my strong point is mathematics, and if I had an efficient man in classics I think it would add to the efficiency of the school.

521. Rev. Dr. Motzow.—What is the range of classes you teach?—Only the classics for the junior grade of the Intermediate. A boy of mine got a Junior Exhibition; he passed in Latin, and this summer one of my boys passed in Greek. I prepared him out of school-hours.

522. Lord Justice FRYGROVE.—Are there any number of pupils in Linsrick who want teaching which they are at present obliged to get out of school-hours?—There seems to be enough of the better class to require it, but somehow or other they are not as many as you would expect. I teach classics for the Trinity College Course.

523. Rev. Dr. Motzow.—How many pupils have you?—One or two for every examination.

524. Does that represent the whole want of Intermediate education for Protestant boys in Linsrick?—Look at all the boys who go away to boarding-schools. Before I came here no classics were taught in Leamy's School at all, and it was the rule to send away boys to boarding-schools, and since then that has been carried on.

525. Lord Justice FRYGROVE.—Where does the difference come in between your instruction and that of the Model School?—My education is more enlarged, I am not limited to the result fees course, as if I find my boys efficient I can put them on as far as I like, or keep them until they are efficient. The payment by results in the model schools tends to push them on sometimes when they are not efficient.

526. Rev. Dr. Motzow.—In what respect do you go beyond the model school?—I take mathematics—I never heard of trigonometry being taught in the model school, I taught two boys last year, and I give the higher course in algebra.

527. In Euclid do you go further than the model school?—I don't know that, but I could not get any good of their boys until I taught them myself.

528. Do you teach Latin or Greek?—Not without extra payment.

529. Do you teach French?—There are no boys at present, it seems not to be a desirable subject, Latin more so.

530. You have a girl reading for the senior grade

in French at present?—Not in the school. I believe she is getting private tuition.

531. Lord Justice FRYGROVE.—Practically there is no French teaching at present?—Not advanced teaching, if you call MacMillan's First Book teaching French, we teach it.

532. Lord Justice NASEM.—How many boys have you learning Latin?—Sixteen or eighteen.

533. How many learning Greek?—None at present, before Summer I had three.

534. Rev. Dr. Motzow.—Then the standard of your teaching is above that of the model school inasmuch as you give a somewhat higher course of mathematics and Latin?—Yes, and if I find enough wanting I give any assistance they want for special examinations. For instance before Summer I had two boys preparing for the College of Surgeons, one of them passed, and the other passed in everything but English.

535. Lord Justice NASEM.—Did you pass any boys in mathematics at the Intern office Examinations?—I did.

536. How many?—Three out of five, but unfortunately their names don't appear in the list, they did not sufficiently qualify. One boy passed with his name published, but the rest were only given by their numbers.

537. Lord Justice FRYGROVE.—Then the result of the Intermediate examinations is that your teaching in mathematics has been very successful, but some of your boys failed because in other branches they were not successful?—Exactly.

538. And you want a larger staff to teach in the other branches?—I think if we had another master that would be sufficient.

539. If you had an efficient classical master able to teach other languages, an efficient mathematical master (which you may take it you have at present), and an assistant, how many more pupils could you teach than you have now?—We could easily teach thirty more.

540. Rev. Dr. Motzow.—Would they come?—I cannot say that; the only reason I have to believe that is that the numbers run up so steadily to fifty-three or fifty-four.

541. But on the other hand you afford an opportunity out of school-hours to those who want that education to come to you, and very few come?—If a boy has been educated in my school, afterwards I don't mind giving him half an hour extra.

542. But you give private tuition?—I don't charge for that, if a boy has been in my school for a couple of years I don't mind giving him some extra time.

543. But I thought you gave private tuition to pupils outside the school?—I do too.

544. How much?—Every hour is occupied from half-past seven to six. My school commences at half-past nine and it is over at half-past two.

545. Dr. TRABLE.—Have you permission from the Board to teach outside school-hours?—Yes.

546. Lord Justice FRYGROVE.—Does it not show great pressure that parents send their children so early to you at half-past seven in the morning?—Those are the children of better-class people.

547. Professor DOUGHERTY.—What were those pupils preparing for?—Generally the College of Surgeons or Trinity College, and a few for the Civil Service.

548. Rev. Dr. Motzow.—Do you know, as a matter of fact, any pupils who would come to you if the standard of education was higher?—I do, I know one at present who is going away because he cannot be taught Greek for the entrance at Trinity.

549. Lord Justice FRYGROVE.—Is he a paying pupil?—He has been.

#### \* MUNGRET AGRICULTURAL SCHOOL.

James G. Barry, Esq., J.P., SWORN.

550. Mr. J. G. Barry.—I have been deputed by the trustees to give a history of the endowment.

551. Lord Justice FRYGROVE.—Do you appear for the trustees who hold as tenants under the 36th & 24th Vic., cap. 608, l. 1?—Yes.

552. Lord Justice FRYGROVE (reads Act).—It would appear from the report of the Commissioners of 1880 that the buildings were erected at a cost of £7,000, of which a portion was the money mentioned in the Act, and the remainder was expended by the

Oct. 12, 1887.  
WILLIAM  
MURDOCH.

James G.  
Barry, Esq.,  
J.P.

Oct 22, 1877.

James O.  
Barry, esq.,  
A.P.

Commissioners of National Education through the Board of Works. The school was opened in 1858, the greatest number of pupils ever resident was twenty-three. The institution was never full, and was finally closed on September 17, 1876, when the pupils and teachers were removed to the Limerick Model School, the stock and other property were sold off by auction, and in 1879 an ordinary National School was held in part of the building, the rest was empty and the land was let to farmers. I suppose we may take up the case from 1870. Was the power to consecrate a house contained in the Act 23 & 24 Vic., cap. cxxx. exercised?—Yes, the present trustees were appointed March 1, 1877—that is there was then a vacancy for two trustees and there were three surviving trustees, Sir Stephen de Vere, Lord Enly, and Sir David Roche.

553. Were these trustees of the Irish Representative Loan Fund?—No, in 1852 the Lord Lieutenant appointed five trustees to carry out the trust.

554. What trust?—The trusts of the £4,079 & 7d. recovered from the county Limerick, and appropriated out of the Representative Loan Fund for the establishment of an Agricultural Model Farm for that county. The original trustees were Bishop Higgins, Sir Richard Beckett, Sir David Roche, James D. Lyons, and William Howley. They had power on the death of a trustee to co-opt another trustee, some died and others were appointed under this power, and of those trustees so appointed, Sir Stephen de Vere, Lord Enly, and Sir David Roche survive. In 1870 they called a meeting by public notice and appointed Mr. Edward William O'Brien and myself. Up to that time the houses, premises, and land were in the possession of the National Education Commissioners under lease. We held a meeting on March 1, 1877, and finding there were only six pupils in the school, we entered into a correspondence with the Commissioners of Education, and the result was that they surrendered the premises to us on September 29, 1876. By the trust deed of 1852 you were bound to carry on the school as an agricultural model school ourselves in default of finding anyone to do so.

555. Lord Justice Stannard.—Under the earlier trusts it could only be used as an agricultural school—it could only be used as an agricultural school, and we could not possibly succeed where the Commissioners of National Education failed. At our meetings we considered the best course to adopt and drew up certain resolutions and suggestions, and sent these to the Lord Lieutenant. At a meeting held June 24, 1876, when the correspondence with the Commissioners was considered, a letter was read from Lord Enly dated from London, suggesting that directions be given forthwith to the solicitors of the trustees, Messrs. Kenney & Murphy, to instruct Mr. John O'Hagan, q.c., to prepare and lay before the Lord Chancellor a scheme for the future government of the Mungret establishment on the basis of the proposals made by the trustees to the Commissioners of National Education. Resolved—

"That Lord Enly be requested to wait upon the Lord Lieutenant of Ireland with reference to the Model Farm and School of Mungret, County Limerick, and to represent to His Excellency that the buildings on said Model Farm have been constructed upon a large scale and are eminently fitted for a large educational establishment, that they are now in good repair, that the dormitories are fitted up for thirty-three pupils, but could conveniently accommodate double that number; that the lecture and board rooms, sitting rooms, officers' messes, dining hall and kitchen could accommodate 100 pupils with the necessary teachers and staff; that the offices and gardens are on a large scale and in perfect order. That the staff consists of—1st. A principal teacher at £50 per annum and board. 2nd. House manager and ration at £20 per annum and board each. 3rd. One agriculturalist at £20 per annum. 4th. Four servants at £12 per annum each. 5th. The doctor at £40 a year. 6th. Three permanent laborers and about £50 a year expended on extra labor. That such being the normal outlay on the staff alone of the establishment, it was

ascertained on inspection by the Trustees on March, 1877, that the large and expensive establishment contained only six pupils, of whom three only belonged to the county and city of Limerick, for the benefit of which the institution was founded by funds contributed partly by the State and partly from local sources. That the Trustees having noted themselves of the utter failure of this institution, and of the consequent waste of public and private funds devoted to it, represented in September, 1877, and again in November, 1877, to the Commissioners of National Education, in whose hands was vested the management of the institution under lease from the Trustees, that the scheme of a great public establishment for the furtherance of agricultural science by practical instruction having proved abortive, it was advisable that the large public and private funds collected in the undertaking should no longer be allowed to be wasted, and suggested a plan by which the establishment might be rendered available for purposes of general education, including a limited course of instruction in agriculture. That the said Commissioners by letter of October 14th, 1877, declined to accede to such suggestion as being inconsistent with their system of agricultural education, and by letter dated March 14th, 1878, gave notice to the Trustees of surrender of the farm and premises on September 29th next ensuing. That the Trustees have reluctantly arrived at the conclusion that a school primarily intended for the advancement of agricultural knowledge cannot be successfully carried on except at an unprofitable loss, the possible advantages arising from such a system bearing on fair proportion to the expenditure, and that when a great public department such as the Commissioners of National Education in Ireland have failed, it is vain to expect that the Trustees with their very limited resources could succeed, that the number of pupils which the scheme has proved a disastrous failure, and cannot be made self-supporting but by an unjustifiable waste of public and private funds. Lord Enly is requested to impress upon His Excellency that if the existing establishment could be devoted to a general (not including an agricultural) education—an education holding much place between the primary schools and collegiate institutions—a province vast would be, in part, acquired, as such would be opened to native talent, and the legitimate solution of those who having risen beyond the teaching of the primary schools, find themselves unable to cope with their more wealthy brethren in the higher branches of education. Lord Enly, our respected colleague is requested to impress upon the attention of His Excellency the Lord Lieutenant of Ireland, that large sums, both public and private, have been devoted to an experiment which has demonstrably and irretrievably failed, but that by adoption of the scheme laid before the Court of Chancery the Trustees for the future government of the establishment and the administration of the funds a great and long benefit may be conferred upon Irish society, and the public service advanced by the introduction of a highly educated class of occupations for employment in the service of the State, the large sums already expended would be utilized, and an institution founded which would, in all probability, be, to a great extent, self-supporting."

We found the Court of Chancery had no power to vary the Scheme, and then the Act of Parliament was passed.

556. Lord Justice Fitzgerald.—The trustees were personally upon your reading were Lord Enly, Sir Stephen de Vere, yourself, Mr. E. W. O'Brien, and Sir David Roche, five gentlemen all of the locality?—All of the locality.

557. You considered the question whether it would be possible for you to keep up an agricultural college in an agricultural county, and you came to the conclusion that as it had been a disastrous failure in other hands it could not succeed in yours?—Certainly. We had no power to carry on any other class of school. When we got up possession in 1878 I wrote the lands for the trustees. We allowed the manager who was there before to remain on, and he acted as steward for two years pending this new scheme or putting an Act of Parliament.

558. You practically managed it as a farm is just now handled?—Yes.

559. I believe the lands consist of about 600 acres?—71 statute acres, we got a scheme sanctioned by the Lord Lieutenant under the powers of the Act.

550. Lord Justice NAUGHTON.—The Act left it quite open to the Lord Lieutenant to sanction whatever scheme he thought proper to be laid before the Law Officers of the Crown, and sanctioned by the Lord Lieutenant.

551. Lord Justice FRANKLIN.—Have you got the scheme?—It is enclosed on the present lease; the scheme has been varied since.

552. You produce a lease of the 11th August, 1880, from Lord Ebury, Sir David Roche, Sir Stephen de Vere, Mr. O'Brien, and yourself, that is all the trustees, to the Rev. Joseph Bourke, &c. It copies the Act of 1876, esp. xxix., that under the Act the Lord Lieutenant with the consent of the Treasury, by minute of June 17, 1880, concerned in the scheme proposed, and declared that it should be lawful for the trustees to demise all the premises except the national school house, and all the buildings other than farm buildings and such portions of the lands adjoining, not being less than 1 statute acre, as the trustees might think it expedient to have occupied and used in connection with the school, at the best rent that could be reasonably had for the same for each term, determinable or not upon any life, including the head master's life, as in the scheme might be provided. That a meeting of the trustees was duly held, and it was determined that the school premises should consist of the buildings and had described in an agreement made between the lessors and the Rev. Joseph Bourke, and that the annual rent of £79 15s. was the best rent that could be reasonably had for the said premises. And that inside both the lands and the buildings?—Yes.

553. Do you mean to say that £79 15s. was the best rent that could reasonably be had for the 71 acres with £8,000 worth of buildings?—For an educational establishment, the rent was for the land only.

554. Then you excluded the buildings from the estimate of the rent?—Yes.

555. The Act says the best rent that can be reasonably had for both land and buildings?—Well, that was the best rent. No one would rent the buildings.

556. But I understood you to say you excluded the buildings?—I don't think we put any rent on the buildings. They had no marketable value.

557. Then what you took as the best rent that could be reasonably obtained as provided by this Act was a rent fixed on the land only, without the buildings?—Well, that is the rent that the Commissioners of National Education paid under their lease.

558. But they had erected the buildings themselves?—We gave them portion of the money, we found the buildings there.

559. Rev. Dr. MOLLOY.—They were more or less derelict when you came in?—They were quite derelict.

560. Lord Justice FRANKLIN.—Then the rent was calculated on the land, and the buildings still remained to represent what was spent on them, so far as it was not wasted. The decade is for 21 years, there are covenants by the lessee to pay the rent, not to sublet, provisions for re-entry, not to be subject to any custom or usage mentioned in the Landed and Tenant Act, 1870, and to give up the demised premises in good order at the end of the decade?—We had power to determine that tenancy at twelve months' notice, and that lease has been determined. We were not satisfied with the way the schools were carried on, we dismissed the head master, and took over the school in 1881.

561. Lord Justice NAUGHTON.—Who was the Rev. Joseph Bourke?—He had a seminary in Limerick, and he applied for the head mastership.

562. Was it a diocesan seminary?—I believe it was; he applied for the head mastership of the school, and at a meeting of the trustees we considered his application and appointed him head master. That lease was settled by Mr. Wright.

563. Lord Justice FRANKLIN.—I cannot find any power of determining the tenancy?—You will find it on the back of the lease.

564. It says the head master of the school may be appointed and removed from time to time by the

trustees?—And we have both appointed and removed the head master.

565. Lord Justice FRANKLIN.—Well, at all events we may take it that that lease was surrendered, and the place then came back into the possession of the trustees?—Yes.

566. You next produce a lease dated April 12th, 1882, the same trustees as the lessors, and the Rev. William Roman, of the Crescent, Limerick, the Rev. T. A. Finlay, Tallaght College, Tallaght, and John White, of Northman, are the lessees. It recites that the Lord Lieutenant had approved of the Scheme—is that the same Scheme?—Yes, that is the original Scheme.

567. Then it recites that every such lease should contain a proviso enabling the trustees to determine the same, on giving twelve calendar months' notice of their intention to do so, that the lessees had consented to take a lease at the annual rent of £70 sterling, and then a recital that that was the best rent that could reasonably be had?—Yes. We were offered £40 by three parties at first, and we demanded a rent of £70 and got it.

568. I suppose we may take it that that rent also was estimated on the land only?—Yes; the Hon. Hugh Massy valued the land for us.

Deus Moberg.—May I ask a question? Were the public aware this place was to be let?

569. Lord Justice FRANKLIN.—First let us get the history, Mr. Dean, and then you can ask any questions you wish. This is a lease for 999 years, determinable at twelve months, with covenants to cultivate and manage the lands in a fair and profitable manner, and not to erect any additional buildings on the lands without the consent in writing of the trustees. To establish on the premises a school as defined by the Intermediate Education Act, 1878—such school to be carried on in the manner prescribed in the amended scheme?—The provisions of the scheme were subject to alteration, and we had a supplemental scheme in the following July.

570. Two statute acres at the least in each year to be kept in tillage, and to be used for the purposes of agriculture, and giving practical instruction therein; and then a provision, in case it should appear the school is not being carried on in accordance with the provisions of the scheme, or is not carried on as a successful Intermediate School, it should be lawful for the trustees to enter, on giving twelve months' notice in writing. Was attention called to the fact that the scheme required you to insert a proviso enabling the trustees to determine the lease on giving twelve calendar months' notice in writing of their intention to do so, apparently without regard to whether it was carried on successfully or not?—That lease was settled by counsel—we are only laymen.

571. Dr. TRAILL.—You have not had any consent to call for a surrender of this lease?—No; I can show you the successful working of the school up to the present time.

572. Lord Justice FRANKLIN.—The amended scheme is dated July 24, 1882, and seems to provide that the trustees are substantially to superintend the management of the school?—As far as valuation goes.

573. Is the rent reserved by the lease paid to the trustees?—Certainly; it is returned by the trustees as prices to the school.

574. Therefore, practically, the whole of the Government property in the Institution, the value of the lands, the buildings, and the rent are all applied now for the purposes of the Institution?—Certainly; I can give you the accounts. We are bound by our trust to expend the money for the benefit of the Institution.

575. Let me see your last account. Do you close your account at any stated time?—It is a running account, it is closed up to the present (produced).

576. This is not an account of Margret Agricultural College, for the whole transactions of 1881 amount to £24 on one side of the account, and £90 on the other?—There is £167 credits, and £24 17s. debits, exclusive of rent and contribution to prices.

Q. 14, 1887.

James G. Barry, Esq.,  
S.P.

Oct 20, 1887.  
James G.  
Barry, Esq.,  
F.R.

587. *Se*; £37 of that is a balance from the other year 1—Our receipts are £55 from dividends and £70 from rent each year. We pay back £70 for prizes for the pupils, and £65 goes to pay taxes, tide-rent-charge, and current expenditure.

588. What are the dividends derived from 1—There was originally £1,000 remaining from the £4,079 granted by the Treasury, which was with accumulations of interest invested in the Three per cent. annuities by the trustees.

589. Lord Justice NASEN.—Is that still in the name of your trustees, and do you draw the dividends from that 1—Yes. At our meeting on March 1, 1877, Sir Stephen de Vere, who was one of the original trustees, handed us the sum of £766 3s. 4d. which was lying to his credit in the Provincial Bank.

590. How was that lying to his credit 1—Mr. de Vere stated to the board that a sum of £238 7s. 10d. had been lodged on deposit in the Provincial Bank, Liverpool, on the 23rd August, 1856, to the credit of Bishop Higgins, Lord Montagu, Sir David Roche, Wm. Howley, and Stephen E. de Vere; that by the deaths of all the other trustees said sum became vested in him. On April, 1871, he took out, in his own name, a fresh receipt selling the amount of interest then due, and the new deposit receipt then granted was for £548 14s. 8d. He for several years made the most careful inquiries to ascertain the trusts on which this sum was held but had been totally unable to discover them, and, believing that the trusts must have been for the benefit of Mangret Model Farm in consequence of the original sum being invested in the names of the trustees who existed in 1856, Mr. de Vere, in March, 1877, transferred to the present trustees this sum, amounting with interest to £766 3s. 4d., but on the express understanding and condition that this money shall be reserved for the usual benefit of the Mangret Model Farm, as long as it is conducted as such, and if it should come to be, then this sum to be employed in the same manner and on the same trusts as the other funds of the Mangret Model Farm. Besides the above sum, there was then to our credit on the current account, £400, a cheque drawn by the trustees on the bank, and I got authority to invest both sums amounting to £1,166 3s. 4d. in the Three per cent. in addition to the £1,000. On the surrender of the school to us by the National Board they claimed a certain sum from us, I think £150. I went back through the accounts to 1852 and turned the tables on them, and found they owed us £303, which, they after some dispute, paid us. They had only on an average about six pupils, and we had a right to have nine pupils at a rate of £7 10s. each. There has been £400 since invested in Four per cent. Preferential Shares of the G. S. and W. Railway. When we got up the premises and were going to lease them to the Rev. Mr. Bourke we had to put them in repair and we then sold out in all £250, portion was paid to the contractor for putting the place in repair, and the balance was devoted to buying scientific apparatus, on which we spent about £300, so that now the balance is £2,108.

591. Kindly give me the exact figure of your present fund 1—£1,708 15s. 9d. Three per cent. annuities, and £450 Four per cent. preferential shares of the Great Southern and Western Railway.

592. How do you apply the dividends on that money 1—The pamphlet will show—rates and taxes. We have given several grants for scientific apparatus since, and there is a balance to our credit. We have no other grant.

593. Then you, in fact, pay it to the managers of the school 1—Yes.

594. The school being your tenants 1—Yes.

595. As regards the rent, how is the control and expenditure managed 1—When we agreed to give them the £70 for prizes there was a scheme drawn up at the time.

596. Is it done by examination 1—By examination.

597. Do the trustees take any part in the distribution of the money 1—Not in the distribution of the money.

598. Except in so far as you approved of the scheme 1—We approved of the rules and the scheme. Some of the trustees have been present at the distribution, from time to time.

599. Lord Justice NASEN.—We distribute the prizes.

Lord Justice FITZGERALD.—Is the money paid to you and repaid 1—No; a receipt passes between us—we exchange receipts. That is according to the scheme.

600. Dr. TRAILL.—Was not the original condition in the scheme that it was to be let on the best rent that could be obtained 1—So it is in accordance with the Act of Parliament.

601. The original scheme gave instructions to be let for the best rent which could be obtained. What did you understand by that 1—We took it to be that whoever was the head master should take the lease and pay us the best rent to be had.

602. Does it make any difference whether it was £70 or £100 if it was to go back. Relying the scheme it would look as if it was to be let to some person independent of the school 1—We did not read it in that way. The whole thing was settled by mutual agreement. We had no power to let the lands to an outsider.

603. Lord Justice FITZGERALD.—You have not let the premises at their marketable rent, if the buildings be taken into account; but you have let the land at a full rent, whilst, however, is not paid to you, but is settled by cheque, and repaid to the pupils, so that fact the school premises are an endowment as possessed by the present institution 1—Except the dividends. The buildings have no marketable value.

604. And these dividends you from time to time apply for the benefit of the institution 1—Certainly; we consider that is our task.

605. Dr. TRAILL.—Do you pay the taxes 1—We do.

606. Lord Justice FITZGERALD.—Let me read you the advertisement of the school, which appears in the report of 1891 (pamphlet report, 1890, p. 211). As you giving at present any agricultural prizes or scholarships 1—The sum of £70 is given to the pupils in prizes.

607. There is the statement—"The trustees will give valuable prizes and scholarships to stimulate the study of what the latest experience has proved is necessary to the well-being of our country."

Lord Justice NASEN.—We have nothing to say to that proposition.

608. Your lordship's name is at the head of it 1—That is the school that failed, then gentlemen took the school from us and was not able to carry it on.

609. Has the agricultural instruction continued 1

Mr. Barry.—Yes. The science of agriculture is taught still.

610. How much of the highly cultivated farm land is used for agricultural instruction 1—I suppose that two acres reserved in the house.

611. What crops are in them 1—The ordinary crops.

612. Do the trustees look after the agricultural instruction at all 1—No, we have appointed a head master. It is his duty, not ours.

613. Is he an agriculturist 1—No.

614. Rev. Dr. MULLOY.—You don't consider yourselves bound now by that advertisement 1—No.

Lord Justice NASEN.—I think it ought to be clearly stated that we have no sort of responsibility for that advertisement. I never heard of it until your lordship read it.

615. Lord Justice FITZGERALD.—I have read it from the Blue Book of 1889 1

Mr. Barry.—I never saw that advertisement until today. The trustees were not examined in 1889.

616. Lord Justice FITZGERALD.—Am I to understand that the trustees of this institution were not responsible for a public announcement made with their names at the head of it 1

Lord Justice NASEN.—Certainly, they were not.

Mr. Barry.—We appointed a head master, and £50

shows to us he has not carried on the place according to this scheme we can dismiss him. It has not been shown to us, on the contrary we find the results of the teaching has been most satisfactory up to the present.

617. Lord Justice Fitzgerald.—Do the trustees visit the school at any certain time?—Certainly, we held a visitation this month, we have fixed the first week in October for the visitation. We hold our meetings frequently and often visit the school.

618. Rev. Dr. MOLLOY.—You found it was not possible to carry it on successfully if it was kept up usually as an agricultural school?—Certainly. It was a failure.

619. And you varied the character of the education with the consent of the Lord Lieutenant?—Yes, and whatever we have done in connection to this scheme. We have no responsibility, we consider, as long as this scheme is carried out satisfactorily.

620. Lord Justice Fitzgerald.—I am afraid the responsibility is by the scheme fixed on the trustees. Can you say why an institution originally established for agricultural teaching, which is stated to be here so important, has wholly failed as an agricultural college?—The class of boys who went there merely took advantage of it to get a training for the Civil Service, the eldest sons of farmers remained at home, and as a rule never went there, it was merely the younger sons, who wanted a profession, went to these schools and took advantage of them, and thus got their professions. On Lord Enly's property there was a school which also failed.

Lord Enly.—Would not that be a question to put to the Board of National Education.

621. Lord Justice Fitzgerald.—I think not, you are the trustees of this property, and we want to know why you could not carry out its original intention.

Mr. Barry.—The trustees handed it over to the Commissioners of National Education to establish a school, they held it for twenty years and failed, though they had plenty of funds at their back. We could not succeed where they failed.

622. Rev. Dr. MOLLOY.—We want to ascertain, if we can, why it is impossible to maintain a successful agricultural school in a purely agricultural country?—Well it is a fact, they all failed.

623. Professor DOUGHERTY.—Was it simply because it had failed in the hands of the Commissioners of National Education as an agricultural school you came to the conclusion that you could not carry it on successfully?—It was.

624. And do you think there is no demand in an agricultural country like Limerick for instruction in agriculture?—Certainly.

625. Dr. TRAILL.—Don't you think the people of the country, experienced agriculturists, might succeed where the National Board failed, who were not so experienced?—But they sent down trained professors, they had Professor Baldwin here.

626. Lord Justice Fitzgerald.—We are told the Munster Dairy School is not a failure?—That is quite a recent thing on a new basis.

627. You appear to have had a clientele to establish an agricultural institution with this valuable property and not to have attempted it?—We attempted it and it was a complete failure.

628. Lord Justice NASH.—How many pupils are there in it now?—About eighty pupils.

629. Rev. Dr. MOLLOY.—You found farmer's sons did not go there to learn agriculture?—No.

630. Lord Justice Fitzgerald.—I believe the land is good land?—It is not what you would call good land in the county Limerick, it is fair agricultural land.

631. It is asked for the purpose of an agricultural school?—It is.

632. Dr. TRAILL.—In 1884 it was stated to be worth 34s. the Irish acre, but it improved so that it was stated to be worth about 43s. an English acre?—Well we had it valued by Mr. Hugh Maury, a gentleman well known in the south of Ireland. It was Mr. Kenny who stated what you are reading, he was in-

terested in the place, he managed it for several years, and of course was anxious to make it out as good as he could in order that he might be kept on. I do not agree with his evidence in 1880.

633. How much is spent on the agricultural teacher in the place?—I don't know.

634. No. 13 of the scheme says the trustees may apply some of the fund in the payment of the agricultural teacher?—We have not done that.

635. And the purchase of scientific instruments?—We have done that.

636. The scheme says that those payments were to have precedence over burses and prizes?—There is a discretion in that, the trustees, if they think fit, may apply it. There is a steward paid there, and there are lectures given in agricultural chemistry.

637. Lord Justice Fitzgerald.—How is the rest of the land over and above the two acres used?—As an ordinary agricultural farm in connection with the college.

638. To whom do you look as the responsible person for the management of the institution?—The present head master, the Rev. Mr. Bens, a French gentleman. He was only recently appointed on the resignation of Mr. Roman.

639. Dr. TRAILL.—I suppose they got a good deal off the land, potatoes and so on?—Yes, and they have a dairy farm.

640. Lord Justice Fitzgerald.—How do you appoint the head master when a vacancy occurs?—We get certain applications for the head mastership, and we considered these at our meetings, and made the appointment.

641. "The number of other masters, teachers, and monitors shall, from time to time, be fixed by the head-master with the consent of the trustees"; what teachers and monitors have you consented to the appointment of?—The head master will explain that we have not taken any part in appointing them, but we have approved of any appointments made.

642. Rev. Dr. MOLLOY.—You have visited the place and found it was conducted to your satisfaction?—Yes.

643. Dr. TRAILL.—Were the names not submitted to you by the head master?—In a formal way they were not, but we saw all the masters, they were introduced to us at our meetings.

644. Lord Justice Fitzgerald.—What day do you fix for the visitation?—The first week in October each year.

645. Dr. TRAILL.—Is the head master a foreigner?—A French gentleman.

646. Does he belong to any particular order?—He does, the Jesuits.

647. Do you get any return from time to time of the people attending the place?—This is the last return (produced).

648. It gives the results at the Royal University?—The first year thirty-three went up for examination and thirty-two passed.

649. Professor DOUGHERTY.—Was that the matriculation examination?—Different examinations.

650. Dr. TRAILL.—What was the objection that the trustees had to the Rev. Mr. Bourke?—The fact is he had not funds to carry on the school and failed.

651. Your evidence is that the Rev. Mr. Bourke did not carry out the trusts of the lease, as I took it down?—No; he did not carry out the scheme. He did not carry on the school to our satisfaction; it failed as a school after one year.

652. Lord Justice Fitzgerald.—There seems to be a most extraordinary complication of machinery. The scheme requires the educational endowment to be open to everyone, to all denominations, and it is apparently derived from public money, yet it is now exclusively under Roman Catholic management. Can you suggest any way in which the management could be simplified?—The scheme has been settled; it was complicated before, but it is not complicated as far as I can see now. There is a conscience clause. We hold our meetings and carry out the trusts and the

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c.f.

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DUFFY, esq.,  
A.P.

head master is supposed to carry out the agreement he has entered into. He has signed a formal consent to carry out the scheme.

653. Dr. TRAILL.—Do you think when you have appointed a headmaster of the Order of Jesuits, that the school is likely to be open to all religious denominations?—That is a matter of opinion.

654. I merely ask you as a trustee?—On the other hand if we appointed a person of another denomination the school would be closed to Catholics. It was originally established for the benefit of the farmers of this country who are all Catholics. It is the only school in the south of Ireland in connection with the Royal University.

655. Lord Justice FRYGEMAN.—I might mention a case that we had very like this, the Kildare-place Society, which was supposed to supply education to all denominations. They had some buildings in Dublin which they let to the Church Education Society, and which of course consisted of the members of one denomination only. They reserved a rent as you did, and spent it on the place. We got rid of all that imaginary relation of landlord and tenant, and applied the whole of the property to the educational purposes for which it had been really used. Our scheme has since been sanctioned by the Lord Lieutenant. If we applied a like rule to this present case the result would be that this endowment should be applied in the terms of your own scheme for the purpose of Intermediate education, including instruction in and the promotion of agricultural science, open to all denominations. It is a Limerick endowment to a great extent. Supposing that view to be taken, what governing body could carry on the institution that would have the confidence of the people without the necessity of having recourse to the Lord Lieutenant?—For carrying on an agricultural school?

656. Not necessarily agricultural. For supplying the real wants of the locality with reference to education?—I don't know any better system than we have. We wanted to establish a successful school and we succeeded where the Board of National Education failed.

657. Yes, but you are not obeying the scheme, and if the Lord Lieutenant were to appoint two or three trustees who did not agree with the rest of you in ignoring it, you could not carry it on as you are doing?

Lord Justice.—We have it in our own hands now by the power of expropriating tithes.

658. Lord Justice FRYGEMAN.—With the sanction of the Lord Lieutenant, and under the compulsion of Chancery to give effect to the scheme. If any member of any other denomination said, "These trustees, who are trustees for the education of all the inhabitants of the neighbourhood, have put this institution under a management that we don't approve of, and we will upon the Lord Lieutenant or the Court of Chancery to appoint trustees who will carry out those trusts," what would happen?

Mr. DUFFY.—It must be a majority of the trustees. The trustees are themselves of different religion; they are not all Catholics. This is a Catholic country.

659. Dr. TRAILL.—Are you of opinion generally that in all these cases where the original trusts, which were supposed to be applicable, are found practically not to be applicable to all, and therefore drift into the hands of parties of one denomination, are you of opinion that it is better to leave it in the hands of that denomination, and let it be worked by them, or that this endowment should be divided again among all?—It all depends on circumstances; in this particular case it had been unsuccessful under previous management. We did our part by having a conscience clause in the lease. Under Protestant management it would be a failure.

660. I am talking of one particular point. It is admitted on all hands that this conscience clause as between Protestants and Roman Catholics does not work, whether it is a Roman Catholic institution open to Protestants, or a Protestant institution open

to Roman Catholics. Do you think it is better that it should be divided among all denominations or to leave it in the hands of one denomination?—I think the present system gives satisfaction; and I don't see any reason for changing it.

661. That is to say you prefer that the one denomination should continue to work it as they have been doing at present?—I do.

662. And all other denominations should have to climb upon the money?—It is not a question of climb on the money, the place is open to them.

663. Lord Justice FRYGEMAN.—That is the answer that is always complained of, and justly in being given to any denomination that cannot conscientiously take the instruction offered by others, the place is open to them?—We should either carry on the school ourselves or give it to some person who could carry it on successfully.

664. You are going back on the point. What Dr. Traill wants is your opinion whether in the future it is better in the case of such an endowment that it should be administered by the people of one denomination or of more than one?—It is better to have it denominational, otherwise the school would fail.

665. Dr. TRAILL.—Would this endowment be cutting up among the different denominations?—It would not.

666. Is it your opinion that it would be better to let each denomination retain its own endowment as far as possible, and afterwards put one against the other?—I could not say.

667. Lord Justice FRYGEMAN.—There is no endowment capable of division, except the money.

Lord Justice.—£5,108.

668. According to your experience in Intermediate Education is distinguished from agricultural or industrial teaching what is wanted in the neighbourhood?—Either Intermediate or University. We have a number of Intermediate schools in Limerick, and in the South of Ireland we want more schools in connection with the Royal University.

669. Then your want is an University school?—Yes, in connection with the Royal University. There was a resolution passed this year by us as follows—

"Whereas by the first clause of the scheme, in addition to the instruction in classics and science, instruction shall be afforded in the French language, and in the various branches of social English education, suitable to the school, as defined by the rules annexed to the Intermediate Education Act, 1875, or the due preparation of pupils for University education, and also the sciences of agriculture, resolved that it is advisable that the energies of Mansel College be exclusively directed to the preparation of scholars for University education."

670. Rev. Dr. MULLOY.—And you passed thirty-four students at the recent examination, amongst whom there were eleven Honours gained?—Yes, the Rev. Mr. Bond was appointed 4th October, 1887.

671. Dr. TRAILL.—Was your custom not to give the lease to the head master?—In the present head master in the lease now?—No, the lease of 1832 is in existence still.

672. When you made the lease to these three gentlemen, had they not the appointment of the headmaster?—They had the appointment subject to our approval, but we actually appointed.

673. Professor DOUGHERTY.—Besides preparing for University examinations, do you send any boys to the Intermediate examinations?—Not at present.

674. Then in point of fact this so-called school is a University College?—We wish to make it so, it has been so successful in connection with the University, that we are anxious to continue it as such.

675. And you think there is a demand for university teaching in this neighbourhood?—Certainly there is.

676. And to make it a university college is to subject it to the wants of the locality?—Certainly. In the Rev. Mr. Bond's time it was an Intermediate

school, and it did not succeed. He had only forty pupils, now we have eighty pupils.

577. Then it was the fault of the master that the place failed?—No; but he had not sufficient capital.

578. Lord Justice FRYGIMON.—The scheme says, "In addition to the instruction in classics and science, instruction shall be afforded in the French language, and in the ordinary branches of a sound English education, suitable to a school, as defined in the rules of the Intermediate Education Act, 1875, or to the due preparation of pupils for university education, and also in the science of agriculture."—We recommended the head-master to confine himself to university teaching.

579. Dr. TRAILL.—In Mr. ROMAN's time was it a university college?—The first year I think he prepared his boys for the Intermediate, but afterwards it was associated with the University, for a time it was doing both.

580. Did Mr. ROMAN resign the head-mastership or did you remove him?—He resigned.

581. What capital has been invested by the present trustees?—Something very large.

582. Since what date?—The last two years, under the new lease, they spent about £12,000.

583. Lord Justice NABH.—In what way was the money spent?—In buildings.

584. Lord Justice FRYGIMON.—Do you think it satisfactory that tenants who have spent £12,000 for buildings should be practically dependent for their tenure on the opinion of a board of trustees, appointed by the Lord Lieutenant, as to whether the school is properly carried on?—They accepted the lease on those terms, and they have an appeal to the Lord Lieutenant.

Very Rev. Dr. DELANY, A.B.—That is one of the points that the lessees intend to raise.

585. Lord Justice FRYGIMON.—Is there any doubt that the scheme was approved by the Lord Lieutenant without any reference to the Privy Council?

Lord DALY.—That was a question which I raised myself as to the difference between Lord Lieutenant and Lord Lieutenant in Council. As I understand, the barrister who was employed to draw up the lease considered that "Lord Lieutenant" meant "Lord Lieutenant in Council." I did not think he was right about that. But I would venture to suggest to you, as you have asked what amendment we would like to have, I should think to introduce "Lord Lieutenant in Council" would be a most essential amendment. I don't think it is fair to have people who have expended £12,000 already on the place, and probably will expend a great many more thousands, left to the arbitrary will of an individual, and I should think "Lord Lieutenant in Council" should be substituted.

586. Lord Justice FRYGIMON.—There is another point. The whole of the endowment is to be used and applied "under the control and direction of the

trustees for such purposes of instruction, including instruction in and promotion of agricultural science as to the Lord Lieutenant with the consent of the Treasury shall seem meet." Apparently if the Lord Lieutenant issued any order with regard to the instruction in this place it would bind you and the lessees. Do you think that is satisfactory?—I don't say that it is satisfactory at all, if the school is to continue as it is at present.

587. Can you give us any assistance in determining what governing body, irrespective of the Lord Lieutenant and the Treasury, would be likely to keep this place going as a useful school?

Mr. BARRY.—Perhaps Lord Emily would give you his idea on that.

Dean DUNDY.—It seemed to me a strange thing that buildings representing nearly £8,000 and seventy-one acres of land should be let for £70. I have been in this part of the world for a great many years, and I never heard anything of this until it was completed. It was not made known to the public. I, myself, would have given more rent for it if I had been offered it.

Lord DALY.—What I would venture to say, Mr. Dean, is, I think we should deal with this in the way a reasonable landlord would deal with his tenants, and I would be very sorry to put up a lease of mine to public notice. I would rather get the best valuator I could, as I believe Mr. Hugh Maury is acknowledged to be, and let him decide.

588. Dr. TRAILL.—That is if you had a tenant in possession, but not if you were going to get a new tenant?—I would certainly have it valued.

589. Lord Justice FRYGIMON.—I should like to know how the buildings came to be left out of the valuation?—The answer to that is that the buildings were thrown in for the purpose of education. We considered that all we were bound to do was to get the value of the land.

590. Unfortunately your Act required you to value them in the rent, but I suppose the real truth is that you looked upon them as buildings only available for educational purposes, and thought you were at liberty to give them for nothing for those purposes?—Exactly.

Sir Stephen de Vere.—The question of the trustees was that we could only take into account that which had a money value in the money market, that a money value was attached to the ground, but was not attached to these overgrown buildings which were of no use whatever to any person, except persons having a great educational establishment, and which therefore had no more market value than, as we all know a great handsome house could have, which could not be let, and which the owner is very often glad to give to any person who would keep the fire lighting.

591. Dr. TRAILL.—Do you think the same observation applies to all public buildings in Ireland?—It applies to all public buildings, and also to places of worship. What is the money value of the finest cathedral in the world? St. Paul's, or Westminster Abbey has no money value.

#### Sir Stephen E. de Vere, examined.

592. My friend, Mr. Barry, mentioned that there was some £700 or £800 which I had paid in. The fact was very curious about that. When the late Lord Montagu, one of the trustees, died, I happened to go into my bankers, and they said to me, "Are you aware that there is some £500 or £700 standing to your credit upon a deposit account?" I said, "No, I am not aware of it, I know nothing about it." "Well, it is so." And then they produced a receipt to the late Bishop Higgins, to the late Sir David Royle, to two or three other persons, and Lord Montagu and myself. "Now," he said, "they are all dead, you are the only surviving trustee, we know nothing about trusts in the bank, and all I can say is that that is your money." I said, "What do you

recommend me to do with it?" He said, "I recommend you to transfer it to your own private account." I said, "Sir, I will not do that, I will make further inquiries; make out a receipt, a new deposit receipt, add up all the interest and make it out in my name, and from this cut let all the accumulations of interest go to the addition of the capital, in the meantime I will make every possible inquiry to find out what the trusts were." It took me a couple of years to find it out, or rather not find it out. I examined all papers of the original depositors, I examined all the papers of the schools, and all the papers of everybody that I could conceive could throw light on the subject. I could not discover the vestige of a trace of any kind. The money was therefore absolutely mine, and finding

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that the names of the original depositors had all been trustees of Mangret School, I assumed that there was some trust unknown to me for Mangret School, and I handed over the money to trustees.

693. Lord Justice FitzGibbon.—Was this any part of the Irish Reproductive Loan Fund?—This had nothing to do with the Reproductive Loan Fund at all.

694. Do you know yet where the money came from? Not in the least.

695. Dr. TRAILL.—How do you know it did not belong to the Reproductive Loan Fund?—I had no reason to believe it did, I have no evidence of any trust belonging to it, but from the fact that the persons named in it were Trustees of Mangret, I handed over the money, and it has since formed part of their fund; that was the only statement I wanted to make.

Lord Justice.—It did not come from the Reproductive Loan Fund, because we can account for every penny of it.

696. Lord Justice FitzGibbon.—Was there any collection or subscription of money or accumulation of interest that you know of to account for it?

Sir S. de Vere.—Nothing at all.

Duan Sweeney.—Was there not an original list of subscribers to this institution, where is that list? Some of the gentry living in Limerick at the present day stated to me that their fathers subscribed to—I never heard of such a subscription.

Lord Justice.—I was living close to it, and if that occurred I would have heard of it.

697. Lord Justice FitzGibbon.—Who conveyed to you originally?

Mr. Sweeny.—I can let you have the names. I haven't the conveyance here.

Sir S. de Vere.—Some questions were asked with regard to the failure of Mangret as an agricultural school. I have here a good deal concerned with other similar agricultural schools, both in this country and elsewhere, and the failure of it as an agricultural school was not confined to Mangret. I believe that every agricultural school, small and large, that was set up in the county Limerick also failed entirely and completely. We felt as trustees that it was our duty to advise as far as we could the larger amount of public endowment which was vested in us in the difficult phases of life that we have gone through. I believe your lordship will find that the trustees here merely tried to render available for public use what would otherwise be wasted.

698. Lord Justice FitzGibbon.—The report of 1880 says the same thing, it speaks on the total or partial failure of all agricultural schools in Ireland except Glanerin.

Sir S. de Vere.—Glanerin establishment had national funds at their back, and they were able, therefore, to employ capital and bear with losses that similar schools could not have done.

699. Lord Justice FitzGibbon.—How do you account for the failure of the other schools?—They were badly constituted and badly conceived; they were not wanted; the people of the country made no use of them, the farmers being in the habit of saying, "we will not go to the expense of sending our sons and paying £30 or £40 a year for teaching what we can teach them better in our own homes." The schools were not adapted for teaching on a large scale, or for the teaching of cottage agriculturists, they were neither one or the other, they were badly designed, badly conducted, the people did not support them, and they failed.

700. Dr. TRAILL.—The charge was originally £8. In 1878 it was raised to £26.—It was not purely the loss of money to the farmer, but it was also the loss of the son's labour, they failed because they were not supported by the agricultural population.

701. Lord Justice FitzGibbon.—You don't suggest that we should try to form any scheme to make it a

compulsory agricultural school again?—If you were to do anything of the kind you would ensure its destruction.

Lord Justice.—The only thing that I would like, would be, in the way of conversation, to consider whether there is any way of giving greater security to the money, who, of course, have expended a great deal of money upon it. May I venture to put this question to you, would not the security be, as far as anything human can be, completed if you had the trustees in the first instance with the powers that they are given, and then an appeal, if they were to exercise those powers unjustly, to the Lord Lieutenant in Council. I should always have objected, and in point of fact only agreed to the lease upon the assumption that the words there did mean the Lord Lieutenant in Council.

Lord Justice FitzGibbon.—It possibly might be some additional security, but I fear we have now to go a little behind that, and up to the present I cannot see any practical advantage in retaining the trustees if this is to be a University College.

702. Dr. TRAILL.—But they come to the trustees for leave to expend this money?

Lord Justice.—With regard to some portion of the money they came to the trustees, and with regard to the other portion of the money, they came to two of the trustees Sir Stephen de Vere, and to me, and we approved of the plan, in fact we very much advised the plan ourselves, and approved of the plan, and then we had a formal vote of the trustees approving of the plan. I think we have done it perfectly rightly, the great point is the one raised by Lord Justice FitzGibbon—do we give sufficient security to these leases.

Lord Justice FitzGibbon.—They have none at all that I can say, for you are not carrying out either the Act or the scheme, and the lease does not comply with either one or the other, and in any case they must quit without any compensation if the school is not conducted as directed by the scheme and Act, with the satisfaction of the trustees for the time being.

703. Dr. TRAILL.—At what date did they begin to expend this money?—I think a portion of the money which was a chapel was commenced about three years ago, I think the rest was taken sometime during last year.

704. That is since this commission came into existence?—I don't know when it came into existence—yes.

705. Lord Justice Stansfeld.—Would you propose any change in the constitution of the trustees, I don't mean the present trustees, but the means of perpetuating the body?—I think condition seems a very fair plan, but you know I speak with entire submission to you, and Lord Justice FitzGibbon, and the other gentlemen; and then the appeal to the Lord Lieutenant in Council is a perfectly secure one.

706. And to whom would you give the appeal?—Suppose the trustees were to say to the lessee, "You have violated your compact with us," and the trustees were to do that arbitrarily and improperly, the lessee would have an appeal to the Lord Lieutenant, but I think it would be a great additional security to have it to the Lord Lieutenant in Council, but then I speak with entire submission to you, and would be so much obliged to you if you could point out a better plan. I don't see that there could be a much better plan than that.

707. Lord Justice FitzGibbon.—If we come to the conclusion that we could not make this school really available for any other education except that of Roman Catholics, and if it is to be an intermediate or university school, we should consider what body we can form that, without Government interference, could be perpetuated for the management of the plan in a manner satisfactory to Roman Catholics. At present the weak point seems to be that the trustees are not educators, but they have got tenants who are able

cases, but who have no safe tenure, because if those head trustees took it into their heads that they did not like the education given, or if anyone brought the matter into Chancery, the leases might be turned out at twelve months' notice. We should try to form a governing body that would both hold the property and manage the education. Generally we have put the bishop of the diocese at the head, and given him one or two ecclesiastical colleagues, with some laymen, and thus made up the board. We have not found an elective system in connection with any Roman Catholic schools, but in the Protestant schools it has been elective.

Lord Ebury.—Do we not follow the precedent of Rugby? We hear constantly that the trustees or governors have elected the head master; it seems very much the same.

Dr. TRAILL.—Except that you have parted with the property to these gentlemen.

170. Lord Justice FRANKLIN.—The property is in one person, and the teaching is another, and the subordinate teacher, if I may use the term, has got the place and expended his money in it without any security.

171. Dr. TRAILL.—I will read the section of our Act.—"The governing body of an educational endowment shall not during the continuance of the power of making schemes under this Act begin to build, rebuild, or enlarge any school building or teacher's

residence, except with the written consent of the Commissioners."

Lord Ebury.—This should have been advertised, so that we might have known about it.

172. Lord Justice FRANKLIN.—If at any time within the next month or so you would hold a conference of the trustees and the educational representatives of the laity, with the bishop, and let us know what you would recommend, we would consider it carefully. It is a matter of such importance that we could hear you in Dublin at any time. This whole constitution seems to have been drawn up to look as if it were a reality when it is not. The Lord Lieutenant and the Treasury and the trustees have nothing really to do with the education, and if you, Limerick people, can constitute a governing body for yourselves that will administer this endowment with the confidence of the people of the neighbourhood, it would be a very great step. There is a great demand in Limerick by the Protestants for an Intermediate School, and if you have a good set-off in Munster for the Catholics, we might be able to do a little better for the Protestants with the small things that are in the city.

Lord Ebury.—Well, thank you very much. The only thing I would take exception to in your remarks is that the trustees had nothing to do with the matter. Sir Stephen de Vere and myself have done as much as any two men could do.

Rev. J. R. Reid, A.B., sworn.

173. Lord Justice FRANKLIN.—Are you the head of the Mangret College?—I am, my lord. I have been appointed for only a week; before that it was Father Roman who was the head master.

174. You were appointed by the trustees?—I was appointed by the trustees.

175. The other educational staff in the place have not been changed along with you?—No.

176. How many assistant masters have you?—We have a Professor for each of the classes of the University, eight in all—a Professor for Mental Science, for Logic, for Natural Philosophy, for Second University, First University, and Matriculation classes; besides we have a special Professor for French, and a Professor for Mathematics.

177. Rev. Dr. MONRO.—And Classics?—The University course in Arts consists chiefly of Classics.

178. Lord Justice FRANKLIN.—Are all the Professors members of the Jesuit Order as well as your self?—Not all, but nearly all of them.

179. Is the college an educational college conducted by the Order?—It is conducted by the Order.

180. And you were appointed as a member of the Order?—I am appointed as such.

181. Rev. Dr. MONRO.—And you employ such extra assistance as you find you want?—Yes.

182. Dr. TRAILL.—Which of the other teachers do not belong to your Order?—M. L'heritier, Professor of Natural Philosophy and Chemistry, and Mr. Bradley, classics and music.

183. Lord Justice FRANKLIN.—According to the relation that exists between yourself and the other members of the teaching staff how do they hold their offices?—They are appointed as myself, in accordance with the rules of the Institute to which we belong, but my appointment has been submitted to the trustees.

184. Then your direct and real appointment is an appointment from your own Order, but sanctioned by the trustees?—Yes.

185. Does the same apply to the other masters and teachers of the institution?—It depends upon the head master now to select his own professor, and remove them in case he is not satisfied.

186. And you are aware you have to get the consent of the trustees to their appointment?—Yes.

187. What number of pupils have you?—At present we are not complete—we have averaged from seventy to ninety. The first year we were seventy; we went to eighty and ninety—that has been our highest number. This year we are not yet complete, and we are only about sixty.

188. Dr. TRAILL.—Have you been in the institution before your present appointment?—Since the beginning—from September, 1882.

189. Lord Justice FRANKLIN.—What post did you hold before you became head master?—I have been teaching philosophy.

190. Do the pupils all pay fees?—All pay fees, some with the help of benefactors.

191. What are the fees?—£23 and £4 extra.

192. Are they all boarders?—All boarders.

193. How many come from the County Limerick?—I cannot say exactly, but the majority has always been from the County Limerick.

194. £32 includes board and lodging and the ordinary teaching?—Yes.

195. What are the extras?—They are for washing, for experimental physics, medical attendance, and music.

196. What would be the fees for extras?—£4.

197. £36 would be the full stipend?—Yes.

198. What class do the boys belong to?—Generally to the farming class.

199. Have you sons of commercial people also?—We have.

200. Have you any provision for teaching book-keeping and subjects of that kind?—No, my lord, because we devote ourselves to University teaching. What we do simply is to keep in a preparatory class those who are not able to go for matriculation; we prepare them for three years, in a remote way, for matriculation; after that we begin our teaching from matriculation up to M.A.

201. What provision have you got for religious instruction?—We have religious instruction on Sunday—there is a special class for that.

202. Have you got a place of worship in the establish-

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ishment!—We have, we used to have only an ordinary room for worship, but we have built a chapel since.

743. Have you any boys in the institution who are not Catholics?—No.

743. Have you had any during the time you were there?—No.

743. So the conscience clause has not been very irksome to you?—No, nobody asked to be admitted, but we were bound to admit everybody without distinction of religion.

744. How is the land used?—Chiefly for the use of the College. We have our own milk, and butter, and vegetables, and everything of the kind we want for the house. I don't think it is a great profit, it is just if we can make ends meet.

745. You think the College would be better off with less land?—It is not a great advantage for us, at all events, so far as income is concerned.

Professor DOUGHERTY.—Perhaps it enables you to take your boarders at a slightly lower fee?—If it was profitable, but it is not much. Of course we can get from it certain articles of our food. I really doubt that we have much profit.

744. Who manages it for you?—We have a steward; he has been a pupil of Mungret when it was a farm, and went to Glanerin, where he graduated in agriculture. He is managing our farm with six labourers.

747. Do any of your pupils study agriculture?—None.

748. How do you employ the two acres?—We have more than two acres in tillage.

749. There are not two acres then set apart for practical instruction in agriculture?—No, there is no demand and therefore we cannot give it.

750. Rev. Dr. MONTAGU.—You think the rent is high enough?—I think it is high enough. We have no profit by it either. The £70 are awarded as premiums to our most successful candidates at the University Examinations.

Lord KELLY.—It is impossible to give, as I understand, both university education and school education in the same institution; it is an unsatisfactory way of doing it, and what I should desire to see in every school and college in Ireland would be to have these two things separate. They are separated, as your lordship knows perfectly well, in England, and they ought to be separated in this country. I think there is nothing more injurious to our educational institutions than to mix up the two things, you do neither of them well, you create your staff with a view to two things instead of fixing them upon the one thing, and the result never can be so good.

751. Dr. TRAILL.—Would your lordship apply the same remark to the mixture of primary with intermediate education by the Christian Brothers?—I would rather not give an answer upon that, because I have not considered it, but I have considered this question, and I think it is distinctly an injurious thing to any extent, to have it both one and the other.

752. Lord Justice FITZGERALD.—Do I understand you to wish it to be a college exclusively for students already in the University, and who would receive their collegiate education with you?—Certainly.

753. Professor DOUGHERTY.—Are there intermediate schools in Limerick capable of preparing boys for a university college, such as you would wish to see at Mungret?—I really cannot answer that question; I think I have seen in the newspapers the names of pupils going up both to the University, and to the Intermediate Examinations from some school in Limerick; I know nothing about it.

Most Rev. Dr. O'DWYER.—There is no school in Limerick mainly devoting itself to the preparation of pupils for the University.

754. Dr. TRAILL.—Would you kindly say for what professions or objects the students are being educated? Rev. Mr. REND.—We receive our pupils without distinction of profession; the greatest number of our students are clerical, for foreign and home missions. We have some preparing for medicine, and for other branches, but all must follow the course of the University.

755. Have you got theological classes?—We have no theological classes. From our place they can be admitted directly to Divinity in Maynooth, or some other college.

756. In the last seven years, has a large or small proportion gone to Maynooth?—We have had a few—seven one year, and four the other year.

757. Where did the rest go?—They followed each of them his vocation, and we are not responsible when they leave our school where they go.

758. Lord Justice FITZGERALD.—Is the instruction the same for divinity students and others?—We have no divinity students, and therefore no theological classes.

759. After they leave you, would you say a large proportion go to the clerical profession?—Yes.

760. A small proportion only go for Maynooth or join the secular clergy in Ireland, and the greater number become missionary priests at home and abroad?—Yes.

761. What proportion go to lay professions?—There may be ten out of eighty; that is the average.

762. Dr. TRAILL.—I don't quite understand when you say they go to foreign missions. Do they go as clergymen?—They go to become clergymen.

763. Lord Justice FITZGERALD.—Do they go from you to All Hallows?

Very Rev. Dr. DELANY.—They go to colleges when they read the theological course.

Most Rev. Dr. O'DWYER.—Any bishop that was such "subjects" can get them. They get a school education at Mungret, they do there then. Any bishop that wants boys with that education can take them or not.

764. Lord Justice FITZGERALD.—Very few of the diocesan colleges now return their theological or divinity course?

Dr. O'DWYER.—Oh, none.

765. Then to what institutions would the students go from Mungret to continue their studies?—They may go to All Hallows College. If an American bishop wanted "subjects," and heard they had two or three smart boys there he would make arrangements for their education either in his own diocese, if he had a college, or at All Hallows, or Waterford, or Rome.

766. Do they remain with you up to the time of getting their University degree?

Rev. Mr. REND.—Yes; they get their degree and leave us, but some don't go so far.

767. A student who went through his full course in Mungret would remain with you until he finished his University course; he would get no training for any profession, clerical or lay, but would afterwards go to some place where he would get his profession?—Certainly.

768. Dr. TRAILL.—How many of the eighty would go abroad roughly speaking?—It is a question for the future more than the past.

769. But in the past seven years?—We have only the school for five years, and very few have finished their course. Some only have gone abroad. I think we have twelve who have gone to foreign missions.

Very Rev. Dr. DELANY.—Father REND says ten out of eighty, but the eighty are not new students every year; I don't suppose more than twenty-five enter each year.

Most Rev. Dr. O'Dwyer sworn.

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Most Rev.  
Doctor  
O'Dwyer.

770. Lord Justice Fitzgerald.—Your lordship has heard the evidence with reference to Mungret College. If the Commission came to the conclusion that its usefulness could be best extended as a Catholic college for university teaching, have you any suggestion to offer as to the constitution of the governing body?—I should think the suggestion you throw out yourself a while ago was a rather good one, that some persons should be appointed *ex-officio* in the first place, and that others should be added to them, and the board so constituted should have a power of co-optation, we have no other way practically in the Catholic body of keeping up a body of that kind. We have no constituency by which you could have an election. I know no Catholic constituency that could get a vote for the appointment of persons on a board of that kind.

771. Do you think the governing body should be altogether clerical or partly clerical and partly lay, or as it is at present, altogether lay?—I should say it ought to be a mixed body, partly clerical and partly lay.

772. Have you any definite opinion as to the proportions in which lay and clerical representatives should be on it?—A good deal would depend on the powers of the board.

773. The powers of the board apparently would be to take charge of the property, and to put it in the hands of educational people on terms that would secure to one for educational purposes?—If their duties were very well defined I think it would be a matter of secondary importance, whether the clerical or lay element predominated on it.

774. Dr. TRAILL.—Do you think it would be an advisable thing to have separate governing bodies for the property and for the education, or do you think it is better thing to have one governing body in charge of the whole institution, including the property and educational powers?—Decidedly one body for all.

775. Then in that case it would make a serious difference as to the proportion between the lay and clerical element?—I should presume it would be well defined that the education would be of a particular kind, that it would be a Catholic education, and the board of trustees would have no power whatever to change that afterwards.

776. Lord Justice Fitzgerald.—In other institutions in which religious education forms part, such as the Methodist College, Belfast, the head of the college is appointed by the governors, and once he is appointed he becomes an *ex-officio* member of the governing body. The present relation between the trustees who own the property and are answerable for seeing that it is applied for certain educational purposes, and the persons who carry out the education, would appear in this case to be the relation of landlord and tenant. Does your lordship think that is a good relation?—No, I think the trustees of the college ought to be the governing body of the college, and the property ought to vest in these only.

777. At present the educational body, the tenants, seem to have a very precarious title; but they have also got an interest that in justice ought to be recognised because they have spent a great deal of money upon the premises. How do you think that the Order which has spent the money can have their rights best protected in forming a governing body?—They could get a representation on that board in the first instance.

778. Would there be any difficulty in giving each a representation naming the bishop of the diocese to be placed at the head of the board?—For my part I see no difficulty.

779. No difficulty of jurisdiction or of opinion is likely to arise?—I think not. They have an interest in the thing and I don't see why they should not be represented like everyone else.

780. Many objections arise to the efficiency of the

teaching what rights should be reserved to the Order who have spent their money on the place, and who at present could be turned out without compensation?—That power ought to be withdrawn from the trustees, and it ought not to be left to the arbitrary will of the Lord Lieutenant to agree with the trustees; there ought to be some tribunal to which the teaching body could appeal.

781. If the property were now vested in a governing body which would carry on the teaching as well as manage the property, there would be no division of interests such as there is at present; but this difficulty would apparently exist—£12,000 has been spent by the Jesuit Order on property which, with the rest of the money, is a public endowment for intermediate undenominational education vested in the trustees. If we now formed a Catholic governing body, on which the Jesuits would have only a representation, how could we secure to them, without danger of conflict, a perpetual interest in the place to the extent of their own expenditure?—They are better able to answer it than I am.

782. We find them legally only tenants from year to year; that is what they are on account of this power of determining the tenancy. If a Roman Catholic governing body was constituted with the bishop at the head, bound to give Roman Catholic education, would your lordship consider it, from your point of view, just to vest in that governing body the whole existing property, both the tenants' £12,000 and the trustees' £8,000?—I think in equity the Jesuits ought to be satisfied that their interests were safeguarded in any such arrangement.

783. What would you call a safeguard?—What they themselves would consider a safeguard.

784. Dr. TRAILL.—If the money cannot be converted into cash and carried away, how could there be a safeguard at all except to remain there for ever?—They may not wish to remain there for ever in the first place, and in the next place they may consider they are being unfairly treated by the governing body.

785. Supposing a conflict on an educational point took place between the new governing body and the Jesuit Order, the tenants in possession, how could that conflict be settled?—As I understood it, it is proposed to transfer the property from the Jesuits, who are leaseholders nominally but who are really tenants from year to year, to the new governing body, and that I propose would be done on such terms, and giving the Jesuits such a representation as will satisfy them.

786. To secure their property no representation could possibly satisfy them except a majority?—I don't think so; it is for them to say what will satisfy them, and I think much less than a majority of the board ought to satisfy them. They merely want to work there for the public good and the purpose of Catholic education, the board will be entirely Catholic, the bishop of the diocese and the whole board will take identical interests. It is to my mind a metaphysical case, a conflict between them and a board having identical interests. It is a possible but I don't think a practical case.

786A. Your lordship thinks there would be no injustice in making the question of whether the Jesuits were giving an efficient education or not, determinable by a board on which the Jesuits would have a minority representation?—I think not, because the Jesuits are really only trustees there for the Catholic body, and if it is a fairly constituted board from the first they have no cause of complaint if the board is afterwards dissatisfied with them, and think they are not carrying on the education in the interests of that board.

787. How would you secure continued representation to the Jesuits?—The head master being a Jesuit might be an *ex-officio* member of the board. I must say that I have never given any thought

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Most Rev.  
Doctor  
O'Dwyer.

whatever to this question, and I don't like to be committed to the answers I give of the real, and, if the Commissioners wish, I will consider the matter and give my opinion.

788. Lord Justice Fitzgerald.—We are only anxious that your lordship as bishop, the authorities of the Jesuit Order who have spent this money, and Father Reid as head of the teaching staff, should consider with the existing trustees, and, if you are able to agree, send us up the heads of a constitution.

Very Rev. Dr. Delany, A.C.—With regard to the difficulty which his lordship has very justly appreciated, and which has been suggested by the Commissioners, in case of a collision—because it is well to provide for a case of a collision or diversity of opinion—I would venture to suggest that this commission should have the existing buildings all carefully mapped and valued, the market value of the original buildings, and the ground, and the expenditure on them, and also the expenditure on the new buildings ascertained. Regulations could be made by which further expenditure should also be noted, the expenditure incurred with the consent of the new governing body. And, if a division of opinion occurred in which it became impossible that the Jesuit body should continue lessees, if the new governing body determined that their course of education was inefficient or unsatisfactory, and that therefore their lease should terminate, that the people to whom they should hand it over should make such compensation to them in such proportion of the then ascertained value of the present buildings as would be settled by the board.

789. Lord Justice Fitzgerald.—I am afraid the difficulty would be to find a fund out of which the compensation should come!

Dr. Delany.—It is a double question of whether it might not be met by compensating the rights of the trustees for the original holding by the Jesuits, if the expenditure that they made on it was very much the larger. It is quite possible that the expenditure of the Jesuits on the buildings after a short time would altogether outweigh the value of original grant, and therefore it might be arranged that in case it was to be determined to solve dual ownership, which I believe is one of the great difficulties of today, the dual ownership might be solved by ascertaining what sum of money the Jesuits should pay to become the entire owners.

790. Dr. TRAILL.—Don't you see that the Jesuits have laid out £12,000 in the teeth of the Act of Parliament, which has directed them not to do so?

Dr. Delany.—The Jesuits and the trustees were in total ignorance.

791. Dr. TRAILL.—The new Governing Body could not be held responsible for their ignorance.

Dr. Delany.—In the first place no notice had been given to these gentlemen that they came under it.

Dr. TRAILL.—Notice is not required of the requirements of an Act of Parliament.

792. Lord Justice Fitzgerald.—The Jesuit Order has been mentioned, but the three lessees are the legal tenants. I understand the Rev. Mr. Roman has left, and that the Rev. Mr. Finlay is now in Dublin—where is Mr. White?

Dr. Delany.—He is living in the county Limerick.

793. Lord Justice Fitzgerald.—Those three lessees are the only people who have any legal right, and their lease contains a positive covenant that they will not erect or make any additional buildings on the land, or make any addition to the buildings without the previous licence in writing of the trustees.

Dr. Delany.—That has been carried out.

794. Lord Justice Fitzgerald.—Those buildings having been erected on this lease, what claim for compensation could you have if the lease was determined as it may be?

Dr. Delany.—None on the lease. I quite admit that on the lease it appears to me to have been an act of infraction. I was startled on reading the lease—they are actually precluded expressly from claiming

compensation for any such buildings, even when built with the consent of the trustees. I quite admit that as the lease stands, it seems to me that to moreover mortgaging the trustees would be perfectly within their right, if they deemed the education unsatisfactory, in turning out the Jesuits without one shilling compensation.

795. Lord Justice Fitzgerald.—The £12,000 expended on these buildings has really been to meet added to the place as an educational institution, and therefore the whole thing might now be regarded by us as so much educational endowment. That being so, is it possible in your opinion to form a body on which the bishop and the priests would both be represented, and which would both own the property and manage the institution?

Dr. Delany.—Certainly, but I believe it would be necessary from the commencement to have the portion of the property which originally vested in the Jesuits, and the portion contributed by the lessees clearly marked, in order that, if the lessees were disturbed, some arrangement might be made by which they would be compensated, and, as their interest would very much outweigh the interest of the original owner, I don't think it ought to be all conceded, that the trustees could settle it by turning them out, and giving them compensation. I think there would be certainly dual rights if not dual ownership. The dual rights would be terminated by their paying to the governing body the value of the buildings originally on the place.

796. Dr. TRAILL.—How was this money raised, was it by loan or the property of the Order?

Dr. Delany.—The property of the Order.

797. Lord Justice Fitzgerald.—We cannot see any prospect of any sum of money being available for the other branch of the partnership to buy out the Jesuits, but it might be possible to enable the Jesuits to buy out the others, to save themselves from eviction. I don't at present see how it could be made to work both ways.

Most Rev. Dr. O'Dwyer.—Think, my lord, is a very serious question, and I take the liberty of suggesting to Father Delany that it would be better to do as your lordship said, and allow the present trustees, the representatives of the Jesuits, and myself, to confer about this business, and come before you with our opinion matured on the matter. I think it will be likely to lead to confusion to have a number of crude suggestions thrown out by us or others on this business, that we may have to go back upon afterwards. I think it would simplify matters if we were first to consult all concerned at it.

798. Lord Justice Fitzgerald.—The next step to be taken by the Commissioners will be the publication of a draft scheme, and before preparing it we should be anxious to have the result of a careful conference of all those who are now interested in the matter. But they must remember that when the draft scheme is published it will be the common right of all classes of the community interested in the endowment, to send forward any objections they think proper, both to us and to the Lord Lieutenant. In a large endowment of this kind, comprising public money, it has been our practice to hold a subsequent public sitting after all the objections are received, at which any person who wishes can be heard.

Lord Delany.—I entirely agree with his lordship that it is much the best for us now to leave the matter for the consideration of all concerned. I only just want to mention one thing—the Jesuits are not the only persons who are concerned in the expenditure. I have spent £2,000 in that place, it is not my own money, but money that I am responsible for.

799. Rev. Dr. MORAN.—In this conference I think it would be desirable if you would consider whether you would not give the governing body power to consider from time to time the kind of education to be given in the college, and not bind them down permanently to give university education.

## LEAMY'S SCHOOL, LIMERICK.—(continued)

Most Rev. Dr. O'Dwyer, Bishop of Limerick, examined.

10th Dec., 1887.

Most Rev.  
Bishop  
O'Dwyer,  
Bishop of  
Limerick.

300. Lord Justice FRYGINTON.—You were anxious, my lord, to make some observations to me, with reference to Leamy's School?—I assume, in the first place, that the principle your lordship expounded in the morning will govern the management of this endowment, that you will comply as far as possible with the intentions of the founder of the endowment. It is pretty plain that his intention was that his endowment should be applied to the poor of Limerick without restriction to any denomination whatsoever, and therefore I take it that, as long as there is money available for the poor of Limerick, and there are poor in Limerick, it ought to be applied to them. At present, I believe, it is admitted, too, that the children attending the school are not poor. In 1881 the evidence of nearly all the parties who came forward on the part of the school showed that it was a middle-class commercial school; it was not a poor school, and the children are nearly all the children of shopkeepers, well-to-do people who could pay for their education. In the next place I wish to say that there are an immense number of poor children in Limerick in the Christian Brothers' schools. I asked the Christian Brothers to give me a return of the number of children in their schools at present, and I also asked the different convents in Limerick to give me a return of their schools, and I find that in the Christian Brothers' schools the last week there were 1,604 boys on the rolls, and an average attendance of 1,452 boys. I am informed by the Superior of the Christian Brothers that, out of that number, there are 400 children who are so poor that they cannot pay a penny a week, and that many of these children have to be supplied with school books by the Christian Brothers themselves. And I am aware that the St. Vincent de Paul Society, which is a charitable association, raises money annually for the purchase of books for destitute children who attend the Christian Brothers' schools. That being so, I think, as far as the boys of the city are concerned, there is a very great need for the application of this endowment, or some endowment towards their education. The Christian Brothers, to all intents and purposes, are an endowed body, they get no payment from the State—most unnecessarily—and they have got but a very small endowment about which their Superior, if necessary, will give you information. He has given me a written statement of the endowments they have, it is a very small sum, and practically gives them no help towards the maintenance of their schools. We have two collections annually in the city to maintain the Christian Brothers. They work from one end of the year to the other without any payment, and the people of the city, by voluntary payments at the church doors, support the Christian Brothers and enable them to carry on their schools, so that they are almost entirely dependent on charity for the purpose. I think, then, that in these schools alone there is a means of applying this Leamy fund that would altogether exhaust it. Then in the Convent schools there is an enormous number of children attending the various poor schools. At St. Mary's parish there are 772 girls on the rolls, and an actual attendance on October 4th of 582. In St. John's parish there were on the rolls 787 girls, and an actual attendance of 564. In Pery-square, near Leamy's, in a dilapidated old house, there are 566 girls on the rolls, and 412 actually present. The sisters informed me that none of the pupils in St. Mary's, St. John's, or Pery-square pay any fee whatsoever. I may mention that all these schools of the Sisters of Mercy are National schools.

301. Is St. Vincent's Convent School a school for poor children?—Yes, it is a National school, and also an orphanage and industrial school. In the National school there were, on the 4th October, sixty-nine girls on the rolls, and forty-four in actual attendance in the orphan school; but the children at that school are

somebody of a better class than the children who attend the others.

302. You don't count them among the very poor?—I don't call them strictly poor.

303. Then St. Mary's, St. John's, and Pery-square are the schools for poor children?—Then the Presentation Convent, Sexton-street, there were on the rolls 900 and actual attendance 612 children.

304. Are these National?—National schools also.

305. What is your lordship's proposal with respect to Leamy's endowment?—The first question would arise as to the house itself. I wish to say that unless the fund is divided in some way and applied in denominational schools it will be denied altogether to the Catholics of Limerick. You see by the evidence you have got that there are practically no Catholics attending the schools. You have children by thousands at Catholic schools, and you have only six or seven or eight attending Leamy's. I assume, then, that if we are to get any relief in this matter, that fund will be divided between us and the Protestant communities. Then the question will arise first as to the house. If we don't get the house, and there is simply a question of dealing with the interest of the monies invested, I would say at once that the money ought to be applied to supplement the funds of the Christian Brothers' schools. There are a variety of ways in which that could be done.

306. Leamy intended his endowment to go both to boys and girls. The building seems much more suitable for a comparatively small number of children, and an intermediate school, than it would be for any such large numbers as you have mentioned?—I first assume that you deal only with the money, and then that you come to deal with the school itself in a separate way. If you wish to keep the school and the money, what I think ought to be done would be this:—The marketable value of the school, as a school at present, ought to be ascertained, and divided, with the money invested, between the Catholics and Protestants of the city.

307. Is there any use that you could suggest for the building and the money together of which the Catholics could take the advantage?—Oh, decidedly.

308. What would that be?—In the estimation of the Catholic schools I admitted to mention a National school, St. Vincent de Paul National School, built about two years ago. There was such a want of a poor school at that side of the city that the St. Vincent de Paul Society, who go about amongst the poor, seeing the children lying in the street, voted £500 of their own money as a contribution towards the erection of these schools. An application was then made to the Board of National Education for a grant. The whole cost about £1,000, and out of that the Vincent de Paul Society gave about £500. That school has now on its roll 570 boys, and an actual attendance of 375. If Leamy's school and the money were to go together I would suggest that a school such as the one I have just mentioned be established in it. You would have up to 400 boys in attendance at that school. The endowment from the National Board supplemented by a substantial part of Leamy's endowment would make it a first-class Catholic model school, in which the education of the ordinary National school could be enlarged, the teaching staff supplemented, and, by a system of prizes, the whole efficiency of the school would be increased. The entire endowment would not be necessary for such a school, and portion of it could be given to the Christian Brothers, who, I think, in any redistribution of funds ought to get a substantial sum. The Christian Brothers for generations have been teaching the boys of Limerick, giving them a magnificent education, and when the Government treats them as they have done because they are true to their religion, I think they ought to be considered by this Commission.

309. How would the Protestants get any share of

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 Most Rev.  
 Doctor  
 G'Dwyer,  
 Bishop of  
 Limerick.

that money?—I do really think the Protestants, on their own showing, have hardly any claim on this, because witness after witness has said they don't want poor schools—they have poor schools enough—and as long as there are poor in Limerick to which Leamy's money could be applied, I don't think it ought to go to the rich.

810. They said they had poor schools in connection with the National Board. We could not take away from them what they are entitled to under Leamy's will because they have since got grants from the National Board!—But if they tell the Commissioners they don't want it, I don't think it should be forced on them.

811. But they said they wanted it for other purposes!—But it can be carried out as Leamy intended.

812. I understand that you think the school and money cannot be made available for both denominations!—Certainly not. I never will allow the Catholics of Limerick, while I am bishop, to attend a mixed school. I particularly wish to improve on the Commission with regard to this school that I believe a first-rate boys' poor school could be established in Leamy's house with a part of the money endowment of Leamy; that a portion of the remainder ought to be given to the Christian Brothers, and could be very usefully spent if a board were incorporated in Limerick that would take charge of the endowments, and rules could be provided for its guidance, by which they could apply such money efficiently through the different schools of the city. But I wish to say that though I believe on their own showing the Protestant body have no claim to a share of the endowment, I have no objection at all to their getting a share, but I think it ought to be applied to the education of the poor.

813. Would there be any difficulty in principle in forming a mixed governing body for managing Leamy's property and dividing and distributing the fund, provided the principles of distribution were laid down on which all denominations were to share?—I don't see what difficulty there could be; but I don't see what need there would be of forming such a body.

814. Somebody must hold the property, and it is a fund in which all denominations are interested!—I think it would be much simpler for this Commission to make the division from the first.

815. Dr. TRAILL.—Would that be carrying out Leamy's intentions?—Decidedly, for the education of the poor. Supposing the school was valued at £10,000, and the rest of the endowment at £10,000—that is £12,000; and you say the Catholics of Limerick get three-fourths, and the Protestants one-fourth; form a Protestant board in a way to satisfy them, and hand them their money, binding them to expend it in a certain way. Hand to the Catholic board their share of the money, binding them to expend it in a particular way.

816. Lord Justice FRINGHAM.—How would you propose to form the Catholic board?—I would suggest the bishop of the diocese be Chairman, the administrator of the parish in which Leamy's School is, one or two priests, and a couple of laymen that would be named—men of position—either magistrates of the city or members of the Town Council, and they should have power to co-opt.

817. Dr. TRAILL.—But large buildings may be worth nothing when they come to be valued for educational purposes?—Well, you know, there may be such a thing as a white elephant in buildings.

818. If you take away the endowment, and hand the building, with a quarter of the endowment, to any body, it would be worse than a white elephant!—Yes; but Margaret buildings are perfectly useless. I understand you could let the land, but not the buildings, but if you put up Leamy's School to-morrow for section, I will buy it from you.

Lord Justice FRINGHAM.—We had a similar case

to this—Swords Borough School. We came to the conclusion that one denomination required the building more than the other, and accordingly we proposed that if they chose to keep them at a certain price they might, putting the value against their own share of the endowment. If you have on the one side Leamy's School, and on the other a certain sum of money, which would the buildings or the money be more suitable for the Catholics?

819. Rev. Dr. MASON.—What would your Lordship estimate the buildings to be worth?—They cost nearly £4,000; they are worth more than £3,000; but as far as I am concerned, it is a matter of indifference. If you give their money value to us we are perfectly satisfied.

820. If we put them at £3,000, which would you rather have the buildings or £3,000?—I don't see any great store by them as against £3,000, but you will have to bear this in mind, if you set down the value of the buildings at £3,000 and make a division of the entire endowment between the Catholics and Protestants of Limerick, the house alone will very nearly exhaust any share that you would, on any reasonable principle, give the Protestants, so you would be giving them four bare walls with nothing. It is for them to consider whether they would not get the money and apply it to the schools they have already.

821. Lord Justice FRINGHAM.—What Catholic schools are near Leamy's now?—Perry-square Convent School; it is a very bad building. We have the St. Vincent de Paul National School, in Harcourt-street, where there is an actual attendance of 375 children. And what I had in my mind was this, that if Leamy's School was given over to us we would put the National School into it, and the residence for the teachers, and the improved accommodation they would have there would be a large supplement to its revenue, and we would put the poor school now conducted by the nuns in Perry-square into the new buildings of the St. Vincent de Paul School, and by this management we would serve both the boys and the girls of the district.

822. Dr. TRAILL.—Who gave the £1,000 for the St. Vincent de Paul School?—The Commissioners of National Education.

823. Do they give grants for Convent schools?—They give grants for the building of schools. If a school is vested in local trustees the Board will give two-thirds of the cost of building.

824. Lord Justice KILMER.—Is St. Vincent's a National school?—Yes.

825. Lord Justice FRINGHAM.—The Model School is not far from that?—Yes; but of course we cannot go there.

826. But the building is there. How many is it capable of accommodating?—I really don't know—it is a fine large school.

827. If the Model School was available for Catholic children would Leamy's School be required also?—Oh, no.

828. It would be a solution of the matter, if the Model School were in the hands of the Catholics and Leamy's in the hands of the Protestants!—Yes.

829. And you think that would be satisfactory to the entire city?—Yes; but any legislation on the education question is very far off in this country.

830. It might not be so far off if people were reasonable!—A bird in the hand is worth two in the bush.

831. Dr. TRAILL.—When the Protestants say, "We are quite ready to allow you to come into this building," and when you won't go into it, do you think it is a reasonable thing to deprive them of the building afterwards?—Certainly. I do think so. It is Leamy's will that regulates it. The will says they should be for the poor of Limerick.

832. That is another question; suppose they used them for poor children, and you said you would not come in on any terms?—Oh, of course, if we turned Protestants we could get the whole thing—

if you propose to set a man a condition that he cannot accept. Catholics never used these schools.

831. The regulations in the Court of Chancery were settled with a view to satisfy the Roman Catholics!—But you must know that what the Court of Chancery did in the good old academy days to satisfy the Catholics is a very different thing from what the Catholics themselves would be satisfied with.

832. But the buildings were built on the faith of that!—They were built by persons who took the

money and regulated the education in a way that they thought satisfied the consciences of the Catholics. The buildings all belong to the poor of Limerick indiscriminately, and it is for you to make the best use of it that you can.

833. But I am only pointing out the difficulty of leaving the Protestants with a large building, and without any endowment!—Then let them leave the buildings and take their share of the money.

Oct. 16, 1887.

Most Rev.  
Dector  
O'Dwyer,  
Bishop of  
Limerick.

## PUBLIC SITTING—TUESDAY, OCTOBER 11, 1887.

At the Courthouse, Limerick.

Oct. 11, 1887.

Present:—The Right Hon. Lord Justice FITZGERSON and the Right Hon. Lord Justice NAIKH, Judicial Commissioners; and the Rev. GERALD MOLLOY, B.D., D.C., ANTHONY TRAILL, Esq., LL.D., M.D., F.T.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, JUNR., was in attendance.

### \* MEMORIAL OF CERTAIN INHABITANTS OF KERRY.

834. Lord Justice FITZGERSON.—We have received a memorial from Archbishop O'Connell and other Protestant inhabitants of Tralee, and also a memorial from Dean Coffey, Roman Catholic Dean of Kerry, on the subject of education in that locality, and will begin to hear any statement on the matter.

Via R. D'A. O'Connell, Archbishop of Armagh.—As far as the Church of Ireland is concerned, practically there are no educational endowments in Kerry, and we feel that in the competition for the public service and intermediate examinations we are very heavily weighted. We are so far removed from the centres of education in Tralee; it is such a waste to parents to send their children to public schools, that practically they are out of the running altogether. And, therefore, our object was if there was any fund to be distributed which was restricted to the use of the Church of Ireland that something should be done to encourage intermediate education in Kerry. Formerly the schools of Kerry produced some excellent classical men, the fellowship and the scholarship benches of Trinity College had a good many occupants from Kerry. But when the National System was introduced the primary private schools were all abolished, and the local fairs, which generally taught classics, was swept away; therefore, we simply ask that in the redistribution of any endowment, Kerry, in its necessities, should be remembered by the Commissioners.

835. Lord Justice FITZGERSON.—Have you considered what endowments there are upon which you thought you might have a claim; for you are aware that our power is limited to providing for the future government and management of existing endowments, and we have no power to increase their amount!—The only two of which I was aware were the Incorporated Society and the Erasmus Smith Funds, whether they are locally available or not. I don't know, but if they are, I would ask that some portion of those should be allocated for the purpose.

836. Dr. TRAILL.—Ennis is out of your reach!—Ennis and Tipperary are both out of our reach.

837. What substitute could you get for Ennis as a typical locality with a chance of working a school?—I think Tralee would be the only place that would be any benefit.

838. What is the population of Tralee?—The Church population is about 900.

839. Is it larger than that of Ennis?—I am not sure.

840. Lord Justice NAIKH.—A little larger than Ennis.

Archbishop O'Connell.—Besides the members of the

Church of Ireland there are about 200 Presbyterians and Wesleyans, all I may say of the class for whom intermediate education is necessary.

841. Dr. TRAILL.—It is a day school you want!—Yes. Do the Commissioners deal with girls' schools?—Lord Justice FITZGERSON.—Yes, there is a section in our Act of Parliament requiring us, as far as possible, to extend to girls' schools the benefit of any available endowments.

Rev. Dr. MOLLOY.—A lady from Tralee appeared before us in Dublin.

Archbishop O'Connell.—Then I would also ask on behalf of girls.

842. Rev. Dr. MOLLOY.—How many girls are there in the existing school?—About from 30 to 60. They have fallen off very much in sixteen or seventeen years through want of teachers.

843. Professor DOUGHERTY.—Has anything been done by local effort to establish schools in Kerry?—No, not that I am aware of.

844. You don't think anything could be done in the way of getting subscriptions?—I think it could, but I would not like to bind myself here to any that.

845. Lord Justice NAIKH.—There is no local fund available?—No.

846. If we could apply a portion of the funds you mention, of course you are aware a great number of other places would also put forward a claim!—Quite so.

847. Dr. TRAILL.—How far is Tralee from the nearest school?—Ennis is the nearest public school. As the bird flies, it is about 100 miles, and as you go by train it is double the distance—you might as well go to Dublin. Middleton, Tipperary, and Ennis are the three schools nearest.

848. Lord Justice FITZGERSON.—Those are the views you wish to put forward?—Yes.

849. Then I may shortly state how the matter stands. We have already had evidence in Dublin of the unfortunate position of Kerry in educational matters, especially with regard to girls' schools. In that large county, from which so many clever people have come, there are no local endowments. Furthermore, the supply of private schools seems very small both with regard to boys and to girls, and one of the difficulties is that they have been unable even to have a centre for intermediate examinations at Tralee. Of the want of endowments there can be no doubt, but our powers are only to extend the usefulness of existing endowments. We have no power of creating endowments, and in the exercise of the powers which we do possess, where the endowments are of private

Memorial of  
certain in-  
habitants of  
Kerry.

Oct. 18, 1917.  
 Memorial of  
 certain in-  
 habitants of  
 Kerry.

origin, we are obliged to have regard to the intentions of the founders. The more important endowments were provided for localities which do not include Kerry. The Incorporated Society and Erasmus Smith's schools both come within the scope of our Act, and we are engaged in the consideration of schemes for their future management, but until we have succeeded in advancing the more difficult question of the Royal School endowments, we cannot publish a scheme as regards either of the others. But I think I may anticipate the matter so far as to say, at least with respect to the Incorporated Society, that its endowments appear to be denominational, and that it would be desirable that the body formed for their management should have power to apply the whole, or whatever portion of those endowments may belong to the denomination which you represent, in whatever way they consider most advantageous to the members of their own denomination throughout Ireland, subject to the special restrictions which, no doubt, affect some of their endowments which belong to particular localities, under the direction of the people who originally gave them. But it will be our object in settling any scheme for the management of these endowments to secure that there shall be nothing to prevent an application of portion of them, if free otherwise, to localities hitherto without educational provisions. The case of Erasmus Smith's schools is more complicated, and I am not yet in a position to say even so much about that. The endowment is altogether derived from one individual; it is to a great extent localised, and certain persons were mentioned by the founder who were to benefit by it; it has not yet been extended to Kerry, and unless the governing body of the schools should find it prudent and consistent with their trust so to extend it, I am afraid it would not be in our power to compel them to do so. The boarding schools you have mentioned, Midleton and Ennis, would continue to be open to the inhabitants of Kerry in the future as in the past, and therefore, for boarding purposes, you have the same provision that has always existed. We

cannot promise you, because we don't believe in its existence, a share of any public fund. There are no public funds at our disposal that it would be possible to extend to Kerry. We had applications in the North of Ireland last year from a number of localities situated in Kerry, in many of which great exertions had been made by the inhabitants themselves to establish schools; they asked some assistance to maintain these schools. There is not any endowment in Ireland that could support an intermediate school in such county, and the very most that could be done would be, when a school is established by local effort, to enable it to receive some small assistance from central funds. The evidence we have had goes very strongly to show that at a very small endowment there given out may be a great assistance to a school if vigorously supported locally, but when an attempt is made to support a school altogether by endowments it is generally a failure. I am sorry not to be able to speak more definitely on the subject, but we will certainly bear in mind, in settling the scheme for the Incorporated Society, what you have put forward on behalf of your locality, and if we find ourselves able so to do, we will enable the now governing body to extend the benefit of the endowments to Kerry.

Archdeacon O'Keefe.—Is it too late to make any application to you with respect to a local endowment?

Lord Justice Fitz-Gibbon.—Certainly not. If there is any local endowment, no matter how small, which can be made the subject of a scheme by the creation of a body for its government, we may make it the nucleus for something better. If the existing girl school in Tralee, or any other institution in this locality, could be made the subject of a scheme, we can give you the most ample powers for extension afterwards, as funds are provided, by ourselves or in some other way. We are in communication with many persons for the erection of schools or local bodies for the management of educational endowments, and we shall be glad to do what we can to assist you in that way.

#### LEAMY'S SCHOOL (continued.)

Rev. Walter Baxendale sworn.

Rev. Walter  
 Baxendale.

832. Lord Justice Fitz-Gibbon.—You wish to give me some information with reference to Leamy's school? I am very much interested in it, because members of my congregation send their children there; and some members of the Methodist congregation have sent their children also on my recommendation. Some four years ago when I came to the town, I found this was a school on a perfectly undenominational basis. Of course that met my own convictions. I sent my own children there, and the Methodist minister, Dr. Crook, consulted with me and determined to send his; the result was an increase in the number of Nonconformists sending their children to that school, and it became very much in that way the thing the donors intended. It is more and more becoming all that the trust intended. I wish to place my own position before you. There is a great want of a middle class and intermediate school in this neighbourhood, and if you close the school, I almost go so far as to say you leave these thinking like myself nothing. I was drawn to it by the fact that it was an undenominational school. I should very much like to send my children by and by to a University school. You seem to be on the point of closing Mungret against me, and if you close this school so that I cannot go there, you leave me nothing in the neighbourhood. I am perfectly sure my experience is the experience of a large and increasing body of people. We don't care about sectarian differences, we long to see our children educated side by side, without making the lines of cleavage that are here stronger, and the gulf wider apart than it is. The word that raised my desire to give evidence was the statement about making it a denominational school.

There are hymns here who represent labour interests, who employ labour largely, and I think if some of them were to be asked to give evidence, they could give most valuable information. I have asked again and again men who know the town well—there is a distinct want for middle class education, and for a broad platform on which we can all meet, and I believe as Protestants, at least, we are perfectly prepared to do so. There is no disagreement on these questions between us, and there is every willingness to co-operate with our Catholic friends if they will. I don't know how far that side has withdrawn, but it does seem to me, as a Protestant father of a family, fair to say to them "we are not interfering with you at Mungret, don't you interfere with us at Leamy's, give us fair play here." If not, I would feel obliged as a citizen to raise the point as to the present use of the endowments at Mungret. I have a great admiration for a great many Roman Catholic friends, I have heard the expression of their opinions, and as far as their opinions go, it is entirely against what the Roman Catholic Bishop said yesterday. I was somewhat astonished to listen to him, we are prepared to leave their side of the question unchanged, if they leave ours.

833. Rev. Dr. Moller.—What do you mean by their side and yours?—It seems to me I have a perfect right to claim that my children should go on the foundation at Mungret if I like. I want my children to go to a University school, and to live at home. I live on that side of the town, and I don't see why my right should be interfered with. If you interfere with that right, you are going against the whole tendency of modern times, you are narrowing the dis-

instead of broadening it. If the Commission makes it so that there is no conscience clause in Mungret, you take away that privilege from us. I should like that the privilege should be allowed me, and other citizens if we like, to send our children to Mungret. If you take away that privilege, then give us on our side Leamy's school, and let us do something there. The education in this town for middle class children, and for the poorer class who try to keep themselves respectable, is wretched in the extreme. I am an Englishman, but I know somewhat of Limerick. I have lived here four years; there is a great want here in this direction, and we do hope that you will not narrow the existing chances in the matter.

854. Lord Justice FitzGibbon. — Everybody appears to be quite satisfied that there is that great want, that at present there are no Protestants at Mungret, and there are practically no Catholics at Leamy's. Pardon me, there are Catholics at Leamy's.

855. Practically, I say, there are none, and the system of education there is such that no Catholic governor has continued to take any part in the management. That being so, could you give any suggestion as to how a governing body for Leamy's school could be formed that would have the confidence of all denominations of Protestants? I think the thing would be very easy. We have been a Young Men's Protestant Association, and we have settled that matter among ourselves to our own content. There is a governing body of all denominations, all ministers are ex-officio members, and the Dean tells me he is perfectly willing to let that be a part of the scheme for the future management of Leamy's.

856. Do I understand that according to your view all Protestant ministers should, ex-officio, be members of the Governing Body of Leamy's School?—No, but you have power to give a larger body, on which all ministers could be represented.

857. How would you propose to represent the laymen?—There would be the difficulty, but I fancy that difficulty would be got over if you allowed us the same privilege as the Jesuits and the trustees of Mungret, if you gave us half an hour among ourselves to consult we could give you some scheme that would satisfy us.

858. We would be very glad if some such course was taken. In the north of Ireland, in several places, before our inquiries were held, a public meeting of the Protestants interested in education was held, at which committees were appointed representing all sections of Protestants, who were empowered to come forward and who gave us their views, and were prepared in each case to submit proposals for a system in which all Protestants would work together in managing their share of the endowments whatever it was. I am afraid there is no practical prospect of our being able to make any arrangement which would include the Roman Catholics, and we must respect their views as well as those of the Protestants. There is no use of forcing a system on the two parties that probably one would repudiate altogether and the other would not like so much as leaving the Protestants to work by themselves—I think you would find that the scheme of getting Protestants who are interested in education together, and getting them to elect laymen, and perhaps a complete public body, would work in Limerick.

859. You have taken an interest in the matter, and represent one congregation at least, and if you can cooperate with others in submitting suggestions to us before the settlement of the scheme we shall be very glad to receive them. The work which we should be anxious to do is exactly what such a body as I have mentioned would be best able to advise about—I may say I don't think the present education in Leamy's School is what it ought to be for Protestants.

860. The school is not nearly full and the first object ought to be to form some scheme by which the buildings would be made completely useful. One pro-

posed you heard yesterday was to fill them at once by making it a Roman Catholic school and allowing the Protestants a corresponding share of the money to establish a school elsewhere. Another proposal might be to enable the Protestants to utilize the buildings as part of their share of the endowment, the Roman Catholics having their claims upon the money satisfied in some way in which they should take advantage of it. We are not only willing, but it is our duty, to hear the views of all parties on this matter, and we should be very glad to have a joint representation from any number of denominations, and the larger the number the better—I think if the Dean prepared a scheme it would meet all our views.

861. The Dean is in this difficulty—he is a member of the governing body which expresses its satisfaction with the existing state of things.

Dean Swobbery.—I have my own opinion about the matter also.

862. Lord Justice FitzGibbon.—Could you estimate the numbers of Protestants of denominations for which you can speak who would want the school?

Rev. Mr. Macdonald.—I think so, in some measure. There are perhaps eight or nine children, speaking roughly, of Congregationalists going there now. I should think there would be more than that of the Methodists. I know several Presbyterian families going there. I should say from one-third to one-half of the present pupils are Nonconformist children. If you were to narrow the basis we should have to withdraw, and we should have nowhere to educate those children.

863. Lord Justice FitzGibbon.—I have not heard any proposal to narrow it beyond the Roman Catholic portion?—Exactly, but that seems to me a very serious matter, I don't think Leamy's is too well endowed. If you take part of the endowment and give it to the Catholics you would cripple the school.

864. Rev. Dr. M'Callister.—I understood the Dean a view to be that the want of which you speak, and which was described to me yesterday, is a want of education for the middle class of Protestants in Limerick. We were told that there is ample provision for the education of the poorer classes of Protestants. Now the evidence of the Bishop was that there is a vast number of poor in Limerick for which there is very imperfect provision, and it was for the education of the poor that this money was left; consequently, if Leamy's School were developed into an intermediate school for the middle and upper classes, the object for which the endowment was left would be frustrated; and it would be frustrated at a time when there is a vast number of poor in the city for whom there is not sufficient provision.

865. Rev. Mr. Macdonald.—Would you allow me to pay a compliment to the Roman Catholic Church and say that I think that is a very good provision, all honour to them, they have done their work well. But there is a class of poverty that comes under our notice more, perhaps, than under the notice of the Catholic Bishop, a poverty that puts the best appearance before the world, and has not much to help it, a struggling poverty that does not send its children about with bare feet but it is more worthy of help than the poverty which is more apparent. That is the class that by the free scholarships of Leamy is helped at present. I have not many of that class in my congregation, but the Protestant clergy know these poor children that are needy and they do recommend them, they are provided for without the appearance of giving charity, but it really is serving a want of the town in that way, not so apparent, but a real want. Besides yesterday we heard it clearly laid down that endowments for agriculture were to be given for University education. His lordship laid down the lines that where we see a thing has developed in a certain direction, and is doing good, we ought to do nothing voluntarily to depart from that; now I say it would be a violent wrench to take the existing money, and give them among the

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Rev. Walter  
Bansdale.

poorer class to the Christian Brothers. I have all respect for the work they are doing, but it seems to me that that is not the kind of thing the donor meant; as far as I understand he did not mean the very poor, I think he meant what we see among the Protestant poor, and very often that poverty is quite as much, perhaps more worthy of sympathy than the poverty which is more apparent.

566. **PROFESSOR DOUGHERTY.**—Have you any considerable Protestant working class population in Limerick?—I think there is a very fair class. There is Mr. Shaw here who is a large employer of labour. You had better have his opinion than mine.

567. **Dr. TRAILL.**—Do you think the present arrangement at Mangret is all approximate to the original idea of the foundation?—Not in the least.

568. Do you think that being "open to all denominations" in the programme, while the head of the institution is a Jesuit, and the institution under the management of the Jesuit order, it is *de facto* open to Protestants?—Not at all, but my own feeling is that

I am willing to say under existing difficulties let it be so.

569. What is your opinion as between these two alternatives; where public money has got locked up with private money, and the institution has got into the hands of one denomination, is it your opinion that the money should be accounted for, and divided, so as to cripple the institution, or is it your opinion that the institution might be worked by the body into whose hands it had got, rightly or wrongly, a debtor and creditor account being kept in respect of such cases, as between the denominations?—I think you would spoil everything if you attempted to divide now, the thing has gone too far, you had better follow the growth of public opinion. The Catholics have taken Mangret, don't injure them. You say we have taken Lenny's, very well, let us keep it, it is a similar endowment. But if they begin to quarrel over Lenny's, you should let us put in our caveat as to Mangret.

Rev. Joseph W. R. Campbell, M.A., Methodist Minister, examined.

Rev. J. W. R.  
Campbell.

570. **Lord Justice Fitzgerald.**—Do you wish to add anything to Mr. Bensdale's statement?—There is nothing I could add.

571. Could you tell us how many children of your congregation would take advantage of Lenny's school?—I know there are four families of your congregation who send their children there at present.

572. What is the principal want among the poorer members of your congregation in the way of education?—Intermediate education is really the great want.

573. Do you think if the Lenny endowment was made available for free scholarships for poor children of the middle class, there would be a sufficient number of middle class children who would be able to pay to enable the institution to be kept up?—I think so.

574. **Dr. TRAILL.**—It has been said that there is

sufficient accommodation in Limerick, or sufficient educational provision for the Protestant poor of Limerick, do you agree with that, or do you think there is any ambiguity in the word "accommodation," befitting accommodation, and money accommodation. Is provision in money for the Protestant poor excessive in Limerick, or is it sufficient?—I think provision for the poor, those who require a rudimentary education, is sufficient.

575. On account of the National system?—Yes, and other endowments as well, but I think the provision for anything towards intermediate education is not adequate.

576. And among the clever boys that might be got from these other schools from the poorer class, Lenny's endowment might be made available?—Yes.

Alexander W. Shaw examined.

Alexander  
W. Shaw.

577. **Lord Justice Fitzgerald.**—Can you give any information as to whether there is any substantial class of Protestant children who cannot provide themselves with the class of education they want, and who would avail themselves of Lenny's School?—There are. There is a certain section of poor working men, it is not a very numerous section in proportion to the population, but there is certainly a section that would avail themselves of Lenny's School.

James O'Shaughnessy, esq., M.R.S., sworn.

Dr. O'Shaughnessy.

581. **Lord Justice Fitzgerald.**—You desire to give us some evidence?—I don't know that I could give you much information about Lenny's, although I live beside it. I am delighted with the well got up class of children I see going in, but I have never been inside the walls of it. It struck me I might be of some use on the question of the state of Limerick generally, its poor as compared with those of other cities, and also as to the condition of the poor Catholics of our city.

582. We should be glad to hear you with reference to the educational wants of Limerick. Would you state first your means of knowledge on the subject?—I have been living in Limerick, except during the time of my medical studies, for sixty-two years, and I have had a good deal to do with public matters. I belong to the Society of St. Vincent de Paul in Limerick. I did not intend to mention it, because we don't speak publicly in connection with our society. However, that society has a council, a head board in Dublin,

and has spread all over the country, in every large town in Ireland there is a branch, and the rules of the society require us to send in, quarterly, an account of the amount of poverty, not of pauperism, because we leave that to the workhouse, and at the end of the year the council at Paris, the head of our institution, have those figures before them, and they publish them. The population of Dublin is 249,500; the population of Belfast is 203,060; the population of Cork is 97,500; the population of Derry is 55,947, and of Limerick, 55,650. Now, in the last report of the operations of the society we have these remarkable figures. In Dublin the number of individual families relieved has been 3,830, in Belfast, 1,204, in Cork, 1,525, in Derry, 418, and in Limerick, 1,765; as nearly as I could have it calculated the percentage of poverty in Dublin is seven per cent., that of Belfast is 4.9, and a half, Cork, six three-quarters, Derry four three-quarters, and Limerick, nineteen.

883. Of course your figures with respect to Limerick and Cork, and, to a great extent, to Dublin, would be slightly enough compared, but should you not take into account in Belfast and Derry that, I presume, the families relieved by your society are almost, if not altogether Catholic?—Not necessarily.

884. Practically?—Well, they would be.

885. Rev. Dr. MONTAGUE.—Those figures represent the persons relieved by your society?—Yes, the number of individuals.

886. Do you think the number relieved by your society is proportional in each case to the poverty of the city?—I don't know any better test of the poverty of a city than that is, because those people all apply to us.

887. Does not the amount of relief given depend in some degree upon the resources of your society as well as on the amount of poverty existing; there might be a great deal of poverty in some cities not relieved by your society?—All classes apply; we are so situated that I think it would be a difficult thing to assume that the persons who are in want of relief would not apply.

888. Dr. TRAILL.—You don't mean to say that the Protestant poor of either Belfast or Derry ever applied to your society for relief?—I do mean to say it.

889. As a matter of your own knowledge?—They do in Limerick; I have never been in Derry or Belfast, but all I know is by the rules of our society we are bound to relieve all classes and creeds.

890. But you say that they applied, do you adhere to your statement that in Belfast or Derry any of the Protestant poor have ever applied to your society for relief?—I don't know.

Dr. TRAILL.—I don't believe it is the case, I am quite sure it is not.

891. Lord Justice FRYGEMAN.—I am afraid we are wandering a little from education. We may take your figures as founding a fair comparison between Cork and Limerick, at all events as to the condition of the poor, but how see you off for schools?—For over twenty-five years we were entirely deficient and in want of schools in St. Michael's parish, which is more than half the city. For over twenty years, at my rate, the only school we had was one at the extreme end of our parish, in close connection with St. John's, and in the entire district, with a population of some 15,000 people, we really had no school for our boys. The condition of things was so bad that the late Bishop saw it and undervalued it, but we had no funds, we had no means of getting up a school, we were already heavily loaded, I may say, by our efforts to support the Christian Brothers, and we had no funds to get up a building and plant. Some two or three years the society to which I belong seeing the very sad condition of affairs, seeing the boys growing up to the age of manhood without having gone near a school, the victims of prisons, reformatories, and industrial schools, we made a great struggle, and under great difficulties we established the St. Vincent de Paul school. The same, to a great degree, applies to the female teaching in Limerick. There is a school close to the Leamy School, the Pery-square school, taught by the nuns, that is nothing better than an old nunnery. It is really not fit for the children nor for the ladies who have charge of them. What they do there is wonderful, they not alone feed a great many of the poor children but they clothe them. And in the Presentation Convent, where the enormous number you heard of yesterday, are taught, they have to clothe and to feed nearly all who are in the school. I have scarcely ever met a child coming from the Presentation Convent that she has not told me she was the child of a widow, and most of them are orphans that have been fed and clothed by these nuns. I think the condition of our children with regard to education is very bad indeed.

892. You have been telling us what schools you have,

we should rather wish to know what is wanting in the way of education, is there any large number of children who are not at present able to get education. I believe the recommendation is not sufficient in the Pery-square school?—It is so crammed up with children that it is impossible to have anything like order.

893. So the Bishop told us yesterday. Have you any practical suggestion as to how you think a little money, because there is not much, could be best spent?—I think money would in the first instance be best spent by subsidising the Christian Brothers' funds. Private citizens have to come to their aid to enable them to get on. Our own school, the St. Vincent de Paul school, of which I happen to be one of the managers, is kept up by a great struggle, and I don't think it is a breach of the rules of our society to state here that the efforts we made to apply a portion of our funds to it simply almost got us boycotted by the heads of the society. From our poverty-stricken people we absolutely took the sum of £800, I think, of the money which we ought to give for the clothing, the firing, and the feeding of the poor, to build that school, sooner than have our children in a state of demoralisation. There was a great struggle made over it in Dublin, and very properly.

894. Were you not able to get the whole cost of your building from the National Board?—We arranged very well with them. They would have given us the whole grant if we gave them the whole building, but we look forward before long to be in a position to keep up the building ourselves, so we kept the ownership in ourselves.

Most Rev. Dr. O'Dwyer.—There is a rule of the Irish Church forbidding us to take grants from the National Board in cases where the schools are vested in the Commissioners.

895. Lord Justice FRYGEMAN.—I was aware, my lord, that that was so for a while, but I thought that it was changed. The idea used to be that a vested school meant a school vested in the Commissioners of National Education, but since it became known that vested schools included schools vested in trustees for education, there have, I believe, been many instances in which Roman Catholic schools so vested have been built at the cost of the Board.

Most Rev. Dr. O'Dwyer.—This school is vested in Dr. O'Shaughnessy and two other gentlemen as trustees, and they have the appointment of the manager.

Dr. O'Shaughnessy.—If it was possible for us by any means to have got the whole of the money from the National Education Board we would have been very glad, it was by the point of the bargain, we were opposed at home and abroad for two years, three never was such a battle as we had to build that school, and thank goodness it is built now, it is a great success, and his lordship who really promoted it with the late bishop, has great reason to be very happy. He is now paying out of his pocket for the cleaning of it, I have a bill against him now to pay for the school, and he is very good humoured over it.

896. Most Rev. Dr. O'Dwyer.—As a matter of fact is there any fund for the maintenance of the school, the repairs, the cleaning, and the heating of it?—No.

897. And you have on some to me to find out of the ordinary diocesan fund a sum for that purpose?—I have, my lord, but I have not gone to you yet with the large bill, which we have been paying for the last two years.

898. Lord Justice FRYGEMAN.—Then you have to pay all the costs of maintenance and you get but two-thirds of the cost of the building from the National Board?—Yes.

Rev. Mr. Barndale.—I live near this school, and the new building they have erected has half occupied the neighbouring National school, that is a misapplication of public funds.

Oct. 13, 1887.  
Dr. O'Shaughnessy.  
Esq.

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Dr. O'Shaughnessy.  
semp.

Dr. O'Shaughnessy.—I am bound to say we have not three boys from the Model School in our school. The only school we would be apt to interfere with would be the Christian Brothers', and they bear it very good humouredly.

892. Lord Justice FitzGibbon.—The school that Mr. Baxendale referred to is the Model School—is it?

893. There is an objection on the part of Roman Catholics to attend that school?

Most Rev. Dr. O'Dwyer.—They are forbidden in this diocese to attend it.

Dr. O'Shaughnessy.—We had the National Inspector here, who was a good judge, he lived in the district, and he saw our boys were growing up to the age of sixteen or seventeen without education. We ourselves missed the difficulty for we said "there is a school above them." And he said—"Certainly not, your boys won't be allowed to go there."

Lord Justice FitzGibbon.—The Model School was opened to them in the same way as Mingret is open to Protestants.

894. Dr. TRAILL.—Are there any Protestant boys in your school?—I declare, I think, there are no Protestant boys in Limerick that want schooling, except those that can pay for it. I have to do with most of the charities in Limerick and as most of the money comes from the worthy liberal Protestants of Limerick my desire is to find out Protestants who would be the recipients of our charity for clothing or food and I really cannot get them.

Very Rev. Dean Beaubury further examined.

Very Rev.  
Dean Beaubury.

894. Mr. Baxendale has said almost all that I intended to say, and I endorse a good deal of what he said. I am in a somewhat difficult position, but I don't appear in antagonism to Mingret, at present I am quite willing that the Roman Catholics who have practically Mingret under their entire and exclusive control, should so continue, but against that I propose that we Protestants, and I mean the Protestants of all denominations in Limerick, should have the exclusive and entire control of Leamy's School and fund, I would put the one against the other, that is the position I endeavour to maintain. It has been manifested from the evidence we have heard as regards Mingret that a very considerable portion of endowment originally intended for the benefit of the community at large, including the Protestants, has been now diverted from its original intention and exclusively devoted to Roman Catholic education. Of course we know that the donors of Mingret are entirely closed against the admission now of Protestants. Very well, that being so, let it be, but for that, to make amends to us, the Protestant community not only of Limerick city but of the whole county, let us have the exclusive right to Leamy's School. That is the position now in which I stand. I come here ostensibly to represent the Board of Governors of Leamy's School, and as I said yesterday the Board was for the most part satiated with the scheme as it at present exists, but evidence has come up which alters the opinion of some members of the Board, of myself certainly, and of some members with whom I have since spoken. I think now that all the Protestant members of the Governing Body of Leamy's School would advocate leaving over Leamy's School entirely to the control of the Protestants of Limerick of all denominations, to be represented as I think can easily be done on the governing board. Bishop O'Dwyer yesterday laid great stress on the fact that Leamy the original donor intended, giving expression to his intention by his will, that the endowment should be for the poor of Limerick. I don't remember that the Bishop continued to read Leamy's will, but I will if you will allow me now just read the passage that has reference to Leamy's intention. He left his money, the residue

895. Am I to understand that there are no Protestant poor?—There are a few, but when I go to the heads of the Protestant party to ask will I relieve these, the late Mr. Alexander one of the most benevolent men Limerick ever saw told me "Never relieve a Protestant, if you can, for they have enough from us, and they are not proper subjects if they go to you."

896. Lord Justice FitzGibbon.—I understood from the Bishop that if the Model School was available the Catholic pupils on terms which they could accept, that the Model School and St. Vincent de Paul School taken together would give the Catholics the accommodation they want, leaving Leamy for the Protestants, but that if the Model School cannot be made available you are in want of additional buildings for your people; did I understand you rightly?

Most Rev. Dr. O'Dwyer.—Quite so, my lord, and I take the liberty of adding that though this Commission is empowered to deal with Leamy's School it has no power to deal with the Model School, and it is probable whether within a short time you will have power to do so.

Lord Justice FitzGibbon.—It is problematical, and it is for those interested in education to represent the matter whose effect can be given to their representations.

Most Rev. Dr. O'Dwyer.—I think it would be a great mistake for us to surrender any claim we have for Leamy's on the chance of getting the Model School.

of his property, "to the education of the children of the poor in Ireland, principally those in and about Limerick or as they (that is, his trustees) in their better judgment should deem meet and fit to give this bequest the most extensive efficacy." I say that if we have Leamy's School as an intermediate school we shall be overriding on the intention of this donor more strictly than if we open it, or it is opened as a primary school, because notwithstanding what Dr. O'Shaughnessy has said to you now I don't think he knows very much about the Protestant poor of Limerick.

897. Most Rev. Dr. O'Dwyer.—My lord, at this point, before the Dean passes away from it, might I ask your opinion as to a matter of construction, is it that clause "or as they in their better judgment should deem meet and fit to give this bequest the most extensive efficacy." Is that qualifying "the poor in Ireland, principally those in and about Limerick city," or does it qualify the education, as I understood Leamy meant that the education should be for the poor wherever they come from, he directed his trustees to get them from in or about Limerick, or in whatever way would give the most extensive efficacy for the education of the poor.

898. Lord Justice FitzGibbon.—There is nothing more difficult than to interpret wills. I can only say for myself that the addition of that clause would enable us, if we saw that for the education of the poor the thing was not required, to say that the testator intended to say to his executors, "If you cannot apply my property in that way efficiently you may apply it in whatever way you think efficient." Being entitled to stand here in place of the executor I would not think we were so rightly tied down to spend the money on the poor, or if there were no such clause.

Lord Justice NASS.—I think it does give a certain discretion.

899. Lord Justice FitzGibbon.—If his executor had acted I don't think with that clause in the will the Court of Chancery could have restrained them from any application of the money for the purpose of charitable education, which they found most useful.

If they found a deserving class of people that they wished to help I think they could have done it. I am only now speaking as one member of the Commission, at the same time, I don't think they could have applied the money to supplement the education of rich people, but it is more elastic than some other wills we have had to deal with.

Dean Sandberg.—That is what I maintain, and I consider the Commissioners would not be going contrary to the will of the donor if they consented to allow the school to be an intermediate school. I don't propose to take away from the poor Protestants of Limerick the advantage that they might reasonably expect to have, because, although I am happy to say you won't find any Protestants about the streets without shoes or stockings—it would be a disgrace to the Protestants of Limerick if such was to be seen. Still, as Mr. Buxendale has represented, there is a very great amount of poverty among the Protestants of Limerick. They endeavour to keep a respectable appearance, and they deny themselves almost the necessities of life, in some cases, in order that they may present that appearance, and that is to their credit, and I speak now for the children of those struggling Protestant poor who are trying to educate their children and advance them in life.

108. *Meat Rev. Dr. O'Dwyer*.—Would you be kind enough to ask the Dean how many poor Protestant children are in his own parish of St. Mary, because he said at the last inquiry here in 1861, that the Blue School was not wanted as a poor school, because he could not find twenty poor children in the whole parish.

Dean Sandberg.—I have the Blue School at present under the National Board, they don't pay one penny for their education, I have a grant from the National Board, and I have on the roll at the present moment forty-one poor children, who receive a gratuitous education, and from that school I have, on more than one occasion, promoted boys, or had them presented to Leamy's School on the free list, and that school I hold to be a feeder for the school I propose to establish at Leamy's, and other schools in Limerick would be feeders to that school. It is for those children we require an intermediate school. It is no reason because a child is of poor or humble parents that we should not endeavour to raise such a child up if he shows an ability to occupy a higher position than he was born to. Bishop O'Dwyer will, I am sure, agree with me in that, that is our sin and object, wherever we see promising Protestant children, either in Limerick or the county to advance them, and my difficulty is the want of such means. If you take away Leamy's School from us, we have no means of passing on these children from a lower to a higher state. We don't, at the present moment, confine ourselves as regards Leamy's School in our admissions to children of Limerick, or the county Limerick, we have at present on the free list two children from Strathfields, one a Roman Catholic, and one a Protestant, so that if it was an intermediate school we would have an opportunity of extending its usefulness not merely to Limerick city, but to Limerick county. When we say we have ample provision for the primary education of the Protestant poor, why have we not because we have endowments, but because we still crave for State aid. There are four Protestant schools in Limerick under the National Board, and there is another very shortly to be under it.

109. *Meat Rev. Dr. O'Dwyer*.—Do these supply all your wants, Dean?—Well, for the most part, I think. I speak as regards my own school; we have a small endowment, but we get a capitation grant from the National Board; they supply us with books and requisites. Some requisites we have to pay for, and the maintenance of the school. In the case of St. Michael's National School, under the Archbishop, it is a very large school, and I think he gets a large income for his master and relations.

110. *Lord Justice Fitzgerald*.—We have now given the fullest opportunity we reasonably could to all parties interested about this Leamy School of stating their views. Mr. Buxendale has mentioned a matter of which we should be very glad to hear more, that is, a conference from which written definite proposals or suggestions might come from the Protestants of Limerick. We want to extend the usefulness of the existing property, not only the Leamy property, but others, so as first of all to secure its being fully employed for educational purposes. In the case of Mungret the endowment has run in the one direction; in Leamy's it has run in the other, and considerations no doubt suggest themselves as being analogous in the two cases. We have to try now to frame a scheme for each, and we will bear in mind all we have heard and do the best we can. I would case meet in person on all parties that the scheme, as first published, will be the result of our own consideration of the matter in the first instance. There will then be another opportunity for all parties concerned to present their objections in a formal way, so that they can be considered by the Lord Lieutenant, as well as by us, and we may hope, with all this property that exists, much more useful work for all denominations may be done than at present.

*Meat Rev. Dr. O'Dwyer*.—A good deal has been said about Mungret College and its bearing on Leamy's. As far as I represent the Catholics of Limerick, we wish Mungret to be treated on its merits. If the Commissioners believe that at the time the new scheme was put in force for Mungret a better use could have been made of it for the city or county of Limerick, I have no objection to your coming to a new arrangement. The whole business was done by the old trustees of Mungret, Lord Enly and Sir Stephen de Vere. They found a large building there for years idle and useless; they thought what would be the best use of that for the interests of the people for whom it was erected; the great majority of the boys taught there are farmers' sons, and if they are not taught exactly the kind of education for which it was originally founded they get an education that is extremely useful to them, and, therefore, it is doing substantially, though not technically, the work for which it was built. Therefore, Mungret can stand on its merits, and I don't think there is any need for looking for a set off.

111. *Dr. TRAILL*.—When you say taking Mungret on its merits, do you mean if we were calculating the amount of the endowment we should see how much we should take away for the Protestants?—You should calculate the value of the building for any purpose, collegiate, or otherwise, at the time it got into the present hands, and whatever that was you could charge it against the present owners.

112. *Lord Justice Fitzgerald*.—Besides the land and buildings there is still a money fund. We will have to consider all these matters, and ought not now to discuss details when we have invited the Governing Body to send in their suggestions, and must hear those of other people also. I think it would be hardly fair to turn now to discuss the Mungret case in relation to the Leamy case or any set off, but we cannot settle one scheme on different principles from the other.

*Rev. Dr. Motzart*.—There is a very wide difference between the character of the two endowments. The endowment of Mungret is derived from public sources, and is at present administered by a Board of Trustees constituted under an Act of Parliament for the purpose of conducting intermediate or university education. Leamy's endowment is a private endowment, established for the education of the poor, and in our Act it is provided that we must have regard to the founder's intention in dealing with such an endowment. Therefore we are not at liberty to barter away the rights of any class who may claim under Leamy's

On 11, 1867.

Very Rev.  
Dean Sandberg.

OCT. 21, 1892.

Very Rev.  
Dean Dunbury.

will, in consideration of what may be done for another class by means of the Mungrat endowment.

Dean Dunbury.—I think there is evidence that a portion of the endowment came from private sources, I have very good reason to believe that. I regret very much that Dr. Wilson is not here to give evidence on the point, because he was in Limerick at the time. A subscription was raised for the purpose of helping Mungrat at the time it was established as an agricultural college.

1913. Lord Justice FRIZZIMON.—We really are getting into a discussion that has at present no practical end. In the Mungrat endowment there is a rent reserved to the present trustees, and they have a large money fund besides. Their scheme does not purport to withdraw, even if it could lawfully do so, that money from the provisions of the statute, under which it was to be applied for agricultural teaching and for education open to all denominations. It may turn out that such teaching is not practicable. Again we should be antiquating and deciding, without hearing both sides, difficult matters of law, if we were now to enter on any discussion as to the legal position of Mungrat or of Leamy's either. I would say for myself that we have had a body of evidence that, both for Catholics and for Protestants, the crying want in Limerick is not of a provision for primary education, which is now aided by provisions, which did not exist when Leamy made his will, but of a provision to enable clever children of the poor to better themselves by getting a better education. The greatest English endowments are applied to giving the highest class of education to poor people, but the very machinery for giving that education becomes the nucleus of great institutions where people who are able to pay for it get their education too. I should not consider myself to be diverting such money from its legitimate use if I could spend it so as to provide poor and deserving members of all denominations with intermediate education in institutions that would at the same time supply the wants of better class people on payment.

Most Rev. Dr. O'Dwyer.—I fear your lordship has not given sufficient weight to the condition of our poor Catholic schools. Bear in mind we have no provision from Government for the repairing of the schools

into which our children are taken by thousands. Our children are so poor that we have to collect money at our church doors to feed and clothe them. The education of the male poor of Limerick is done altogether by the voluntary contributions of the Catholic people of the city. It is really a hard thing seeing that we have to support our clergy, orphanages, and almshouses for widows that while there are public endowments available for the education of the poor our people in Limerick have to put their hands in their pockets for the education of the people.

Lord Justice FRIZZIMON.—I should like to say that we have had evidence in other places, and it impresses me as much as it impresses anybody, of the very narrow margin that now excludes many of our schools from public assistance. Certainly this Commission is not answerable for the continuance of that difficulty, but the solution of it is not to be found in splitting up the few small private endowments that exist, but in making the State aid available for all.

Dean Dunbury.—Taking away a portion of the endowment from Leamy's school would be virtually closing the doors, we find it almost impossible to work that present, if any was taken from it it would cripple it.

Rev. Mr. Bannard.—In any future provision that is made, I suppose there would be no attempt to remove the conscience clause, so that at any time Catholics could come in if they wished. I know his lordship has strong views on the question. Is there any power in the Commission to alter the fact that there must be a conscience clause?

Lord Justice NAHEM.—We have power to do it, but that is a matter that will come up when we settle the scheme.

Most Rev. Dr. O'Dwyer.—If the Commission were to make it a Protestant school I should wish there was no conscience clause in it, that it should be a thoroughly Protestant school.

Dr. TRAILL.—But there must be a conscience clause in a Protestant school.

Most Rev. Dr. O'Dwyer.—Oh, as between themselves, I don't know about that.

Lord Justice FRIZZIMON.—There is no intention at present of giving Leamy's to any particular branch of Protestantism.

### CHRISTIAN BROTHERS' SCHOOLS, LIMERICK.

Brother James P. Slattery sworn and examined.

Brother James  
P. Slattery.

1914. Lord Justice NAHEM.—Are you the superintendent of the Christian Brothers in Limerick?—Yes.

1915. Have you the control of the Christian Brothers' Schools in Limerick?—Yes, I am manager.

1916. How many schools have you?—We have eighteen schools in the city.

1917. Lord Justice FRIZZIMON.—Each under a separate Brother?—There are twenty-two Brothers, a Brother in each school, and in some of them two Brothers.

1918. Lord Justice NAHEM.—How many separate buildings have you?—The schools are in four localities, Section street, St. Mary's, St. John's, and St. Munchin's. We have ten schools in Section street, four in St. Mary's, two in St. John's, and two in St. Munchin's.

1919. Are all these primary schools?—They are all primary schools, and we have also two Intermediate schools in Section street.

1920. What is the number of your pupils?—On the roll we have 1,694, and last week, on Thursday, I got a return from the Brothers and there were 1,471 children in actual attendance.

1921. What is the average attendance in the year?—In the winter time, of course, it comes down, there are some of the children poor, and the cold cuts them up. I think the average attendance for the year would be something less than 1,300, while in the summer months it is considerably greater.

1922. Are many of them boys free pupils?—We never refuse nor dare we refuse a boy who cannot pay his school penny. We have 400 children in our schools who don't pay even one penny a week, and cannot pay.

1923. What do the others pay?—Some hundreds pay one penny; over a hundred pay fourpence a week, and in the two Intermediate schools they pay sixpence, but in the Intermediate schools and the Fourpenny schools there are boys free who cannot pay.

1924. How many boys paying nothing are in the Intermediate school?—I should suppose about seven.

1925. What class of education do you give in the Intermediate schools?—The education required for the Intermediate Examinations. I produce a (Appendix B, No. V. c.) summary of the successes of our pupils under the Intermediate Act.

1926. Rev. Dr. Mottet.—What is the number of pupils in the Intermediate schools?—About 180.

1927. Do you send up boys in each grade, junior, middle, and senior?—Yes.

1928. The pupils in the Intermediate school come from the other schools?—Yes.

1929. So they represent the most promising boys from all your schools?—They do. They come to the front

from the other schools. The subjects taught are Greek, Latin, English, French, German, Celtic, Italian, Arithmetic, Book-keeping, Euclid, Algebra, Natural Philosophy, Chemistry, Drawing, and Music.

900. Dr. TRAILL.—How many boys learn Greek?—Not many, probably not more than three or four. Our successes at the last Intermediate Examinations will give you an idea of it.

901. Lord Justice FRYGROVE.—I see one boy got the gold medal in Modern Languages, silver medal in Italian, and silver medal in Celtic?—He took the eighth place in the senior grade, the gold medal for being first in Modern Languages; the silver medal for being first in Celtic and Italian, and a senior grade distinction.

902. Was he entirely taught in your school?—He was from his first book.

903. Lord Justice NAIK.—Would you tell me what funds the Christian Brothers have?—I have been local superior of the Christian Brothers, Sackville-street, since September, 1884. I hand in a statement of our funds, no change has been made in the investments since I came.

904. Is the sum stated the only income which you derive from your endowment?—That is the only income for teaching 1,600 boys.

905. Lord Justice FRYGROVE.—In whose name are these various funds?—The superior, some members of the order, and some externs.

906. Who looks after the necessary transfers from one fund to another whenever there is any change?—I suppose the superior looks after that.

907. You ought to be the party, because you get the money?—Since I came into Limerick I had very little time to look after money legacies or anything of the kind.

908. Rev. Dr. MOLLOY.—Are you one of the trustees?—I am not.

909. Lord Justice FRYGROVE.—Who are the trustees?—Our superior is one, for instance, in Dublin.

910. I am afraid many of these securities may be in the names of private individuals who have passed away?—Some of them have passed away; there is a bequest of the Rev. Mr. Walsh, and all the trustees are dead but one.

911. When he dies may you not have to go into Chancery?—Well, I dare say we will have to look to it, but I have never been a trustee.

912. Your superiors would find it for their interest to look into the matter; for among charitable funds mine are in greater danger of getting into legal difficulties than Roman Catholic funds, because if not transferred in time they pass by law to the personal representatives of the last trustee and finding him often involves time and expense, and if he cannot be found the only alternative is to go to Chancery, which may cost a large sum. This difficulty is one of those of which this Commission has power to get rid.

Most Rev. Dr. O'Dwyer.—I understand you have power to incorporate a body to hold this endowment.

913. Lord Justice FRYGROVE.—Yes, but in this we cannot do it without obtaining the written consent of the present trustees if we are satisfied that the funds were provided for Roman Catholic education, and placed in the hands of Roman Catholic trustees. (To witnesses).—Is all the property you have mentioned vested in trustees who pay the income directly to you?—Different trustees, and on different trusts, but all for our schools.

914. Then you might have one corporate body to hold the whole of this property?—I think it would be an excellent thing.

915. Have you got any additional funds since 1880?—Not any.

916. Who pays you Miss White's annuity of £361?—I get it from a solicitor in town, Mr. Kenny.

917. Is it charged on some estate?—It is a mortgage, I think.

918. There is stated to be a mortgage for £1,800,

who pays you the interest on that?—I think the Industrial School Brothers, I am not quite sure, they got £1,800 from my predecessor.

919. Who pays you?—I get it from the Industrial School Manager, they got the money to build.

920. Then your security is the property of the Industrial School?—Yes, it is.

921. Lord Justice NAIK.—How much does the fees paid by the boys attending the school come to in the year?—The school fees for 1886 amounted to £416 5s. 1d. All this was expended in this way, for rent and repairs of schools, £190 15s. 1d.; free school requisites, £21 12s. 7d.; premiums and gratuities, £9 8s.; salaries of pupil teachers, £232; school fuel, £31 10s.; making £324 5s. 8d., whilst the school pence were only £416. The school thus is indebted £168.

922. In addition to the school pence what other money do you get for keeping up the schools?—We have two collections in the year, in May and November, amounting to about £400.

923. Dr. TRAILL.—You make up about £1,100 a year altogether?—You know we can never apply the school money for our own support.

924. Lord Justice NAIK.—Dr. Trill wants to know the entire amount of money that comes to you without taking into account the disbursements. You get £370 from your endowment; school pence, £416; and the collections, £400; do you receive any other money?—The Brothers go round every Saturday, and make what they call the penny a week collection.

925. Dr. TRAILL.—What does that amount to?—Some hundreds.

926. Lord Justice NAIK.—Are all the children attending your schools Catholics?—They are all Catholics.

927. Most Rev. Dr. O'Dwyer.—How many Brothers have you?—I have twenty-two brothers, and two servants, and I have twenty-six or twenty-eight pupil teachers.

928. They have to be supported out of this money?—The pupil teachers get £202.

929. Lord Justice NAIK.—Do the pupil teachers live in the same building?—No, they do not, they board out, and these pupil teachers are generally selected from our own boys.

930. Dr. TRAILL.—You teach them during certain hours of the day, the higher teachers?—Yes.

931. Lord Justice NAIK.—Are all the trustees, in whose names moneys are standing, members of the Order?—No, they are not, I think his lordship is a trustee of Father Becho's money.

932. I presume the trustees are all Catholic?—They are all Catholic.

933. Rev. Dr. MOLLOY.—When you say that you have sixteen schools in Limerick, that does not mean that you have schools in sixteen localities?—No, four localities.

934. By "school" you mean a class-room?—A classroom where there would be 100 or 120 boys, and there is a Brother presiding in each.

935. Lord Justice NAIK.—If you had further funds at your disposal, what would you say is the most pressing want of the Christian Brothers' Schools?—We do the work well, I think every man can bear testimony to our work; the boy, Shanahan, who has taken the first place, is the first in Ireland, he was taught by the Brothers. We do the work, and having no funds at hand, we adopt this system of collecting from house to house, and I must bear testimony to the Protestants of Limerick that they have stood to us right well, admirably, in fact wherever the Brothers are the Protestants assist them, they know their devotedness, and know that they throw themselves into the work with earnestness. I was in Belfast for twelve years before I came here, and there I found gentlemen of all denominations to assist us.

936. Lord Justice FRYGROVE.—From the numbers you have attending, I presume the grants available to

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Brother James  
F. Slattery.

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 Brother James  
 P. Slattery.

National schools with similar attendance, if they were open to you, would give you a sum of money considerably more than you have stated to be your present pecuniary wants.—Unhappily

967. Could you state shortly what is the difficulty that prevents you from taking these grants?—I will put it in a nutshell. It is simply this, we would not be allowed to use our own books, and in the second place we would not be allowed to use religious emblems, the Crucifix or the statue of Virgin and Child, and this, I maintain, brings to children's mind a religious idea, which is admirable, the Virgin holding the Child in her arms, the boy can associate that very easily with what he sees at home in his own house.

968. The only points that prevent you taking advantage of the National Board grants are first, that you cannot use your own books, and secondly that religious emblems cannot be exhibited in the schools during the hours of secular instruction?—I think these are the chief obstacles.

Dr. O'Dwyer.—I suppose that you maintain too that religion ought to be an unrestricted and integral part of education, and not confined to certain hours of the day?—I think everyone knows that the Christian Brothers give religion the first place; it is for that we left home and kindred to devote ourselves to a hard trying life, and I think the influence we can exercise over the children that way is considerable, and would not have it curtailed or hampered; we certainly would not give up such an influence.

969. Professor DOCUMENTY.—As a matter of mere arrangement I suppose you find it convenient to restrict your religious instruction to certain hours of

the day?—We do, but at the same time in our class books or bookish history we cannot help taking up a religious point.

970. Lord Justice FITZGERALD.—Of course you are aware that a great number of the schools under Roman Catholic orders are National schools, and that they are able to give an education satisfactory to themselves, at the same time remaining in accordance with the Board?—I know that.

971. Does not that indicate that the points that keep the Christian Brothers out must be something different from the mere arrangement of religious instruction, and rather depends on the use of your own books and of religious emblems?—That is the very thing that keeps us out, and Mr. Trevelyan in the House of Commons not very long ago said he read the books and would have no objection to place them in the hands of his own children.

972. Dr. TRANTER.—The State must examine the books of any school for which they pay?—Yes.

973. Lord Justice FITZGERALD.—So far as we know, is there any objection to submit your books to approval?—No.

974. All your governing body are exclusively Roman Catholics, all your endowments are vested in Roman Catholic trustees, and all your pupils are Roman Catholics, so we must declare you to be exempt, and cannot settle a scheme for you without your consent; if you wish to put an end to the unsatisfactory condition of your property, we shall be glad to assist you if you apply, but if you do not desire to do so, we have no power or desire to interfere.

#### DIOCESAN SCHOOL, ROXBOROUGH ROAD.

Most Rev. Dr. O'Dwyer examined.

Most Rev.  
 Dr. O'Dwyer.

975. There were one or two matters on which I wished to put my views before you. I wish to say with regard to the Roxborough School that, on looking into the evidence taken before the Endowed Schools Commissioners in 1856, it is reported that the Roxborough School was built by monies levied off the city of Limerick by the Corporation acting as a Grand Jury, and by the Grand Jury of the county Limerick. There were £1,600 raised by the County Grand Jury, and £240, I think, by the city. A site of one acre, Irish, was purchased for £400, of which £135 11s. 5d. was produced by the sale of the old Diocesan Schoolhouse, £241 was presented for by the Corporation, and the balance, £29 8s. 7d., was advanced by the Commissioners of Education. That school was then built to be a classical school, a Protestant diocesan school, with a distinct understanding that any Catholic boys or boys of any religious denomination that attended it should get a classical education there; and it was so maintained for years, and numbers of Catholic boys did go there, if I believe, and got a classical education in it. It became an utter failure. At the time the Commissioners sat that school was found to be an utter failure. The Grand Jury of the county Limerick were so dissatisfied with it that they appointed a committee to investigate its condition. That committee went through the matter and found there were scarcely any scholars. They pressed the matter at the time to let them see what scholars there were, but the scholars could not be produced, because, he said, it was "fraternal day," or some sort of a holiday. However, the school was continued; the head master used to be a clergyman of the Protestant Episcopal Church, and it broke down altogether under his management as a classical school. It remained then for some time, I see by that evidence, after the death of the last master in the hands of his widow, and the Rev. Mr. Gregg in Limerick was anxious to get it. It seems he got into communication with some of the Commissioners in Dublin, I think the Clare-street Commissioners, of whom Dr. Kyle was the Secretary. They

found between them that the title of the place was in so complicated a condition that the Commissioners could neither sell nor set it to Mr. Gregg, but Mr. Kyle informed him, if he once got into possession it would be all right, and it would be easy then to square the Commissioners. I see by Mr. Gregg's evidence that he went then and paid £30 to the woman who had possession of the place. Where he was in possession the Commissioners in Dublin got into correspondence with him to ascertain on what terms he would buy or rent it, and they got no definite proposition from him. And from that day to this, having got into possession at the suggestion of the Secretary of the Commissioners in Dublin, he has held it without paying anything for it whatsoever. Now, I wish to say for myself, and I think I may speak representing the Catholics of Limerick, that that house, if there is to be a Protestant classical school or intermediate school in Limerick, that that house ought to be devoted to it, and I have no objection whatever to its being so devoted. It was built by the Grand Jury of the county, and the city of Limerick for that purpose, and I think it ought to be devoted to it, but I have every objection to its being maintained for its present purpose, for, I believe, it is a proselyting institution. I know numbers of children are in it who were Catholics. Mr. Gregg himself stated in his evidence that there were numbers of children of mixed marriages, that he preferred those of a mixed marriage to those who were not of a mixed marriage, that he was perfectly satisfied with the authority of any one of the parents in such a case to take the children. There is an agreement, I believe, signed by the parents who put their children there, that they are to remain for a certain number of years, and, though I am not in a position to prove it, I have no hesitation in stating my belief that it is a proselyting place, and I should wish, if Mr. Gregg comes forward, or the other Protestant clergyman of Limerick, that they should be fairly and squarely asked the question, and if I am I think it should be taken and given to the purpose

for which it was built. If the Protestants of Limerick think they can maintain a classical school I have no objection to their getting it.

974. Dr. TRILL.—Was not the building in a bad state at the time Mr. Gregg got it?—So he stated. He stated at the same time in his evidence that he was aware of a person attending who was willing to give £100 for possession, and he was aware several parties were looking to get it, and were willing to pay money for it. Being asked at the time by Lord Randolph Churchill if it was any use as a building site, he said, "none," that nobody built in that direction, although in the meantime there has been a whole street built opposite it. There is no doubt the house had a large money value at the time, and the whole transaction on the part of the official in Dublin, and on the part of the gentleman who got possession, is, I think, a thing not very creditable to the parties concerned.

977. Lord Justice FITZGERALD.—Your lordship is aware we must look into the history of the school and the title to it, and it is not for me to use any adjectives or adverbs on the subject, but, substantially, I believe the history as your lordship has stated it, is set out in the report of the Endowed Schools Commission. We have reason to believe that since 1880 there has been a more regular letting of the building by the Commissioners of Education, and we hope now to take evidence from Dr. Gregg as to his position, and mode of dealing with the premises. The school was originally a diocesan school, and was disposed of by the Commissioners, in Clare-street, to Dr. Gregg, on their own responsibility. We had a very similar case in Monaghan, where the school was allowed to go into liquidation, the Protestant inhabitants called a meeting, became tenants to the Commissioners, and opened it as an Intermediate School; the Catholics led St. Macartha's Seminary, and did not interfere. In that case we have incorporated the Commission, which we found to have established an efficient school, and with no claim put forward on the part of the Catholics, we have given the Commission permanently the property of which up to the present time they had been merely tenants-at-will of the Commissioners of Education. It will be our duty to inquire into the

present uses of the Bonbore-road School, and while we would be inclined to give it to any people who would make a legitimate educational use of it, rather than allow it to be sold, we will bear in mind what you have stated when we go into it.

Dr. O'Dwyer.—I would wish a matter should be brought before Mr. Gregg. I had been curate in this city for a number of years, and an impression was left on my mind that illegitimate children of Catholic mothers were taken in there for the abandonment of their religion. I have one case distinctly before my mind in which it was alleged to me that the mother of two illegitimate children withdrew them from the work-house, made them Protestants, and put them in there. I believe that has been done in more cases than one.

978. Lord Justice FITZGERALD.—Is that a case which was investigated in 1880?—It is not the same case.

979. Lord Justice FITZGERALD.—Mr. Gregg will kindly take a note of it, and give us a statement about it when we take up the inquiry into his school.

Rev. Mr. Gregg.—If you mention the name.

Dr. O'Dwyer.—I think the name was O'Brien; but I am not sure, it was several years ago, when I was curate in St. Michael's. If Mr. Gregg tells your lordship that he was attended of the marriage of the parents of the children before he took them in that case on end to it.

980. Lord Justice FITZGERALD.—With regard to the children of mixed marriages different considerations might arise?—Would you allow me to put this case—a Catholic girl in Limerick marries a Protestant soldier, he goes away, and dies, she is poor, and she goes with her children, they had been reared Catholics, she goes and hands them over to Mr. Gregg, and signs an agreement that she is not to get the children for the next five years. She knows what she is doing, she goes out into the world, and is married again without any imbecilities. I would like to ask eloquence of the status of Dean Banbury or Archbishop Hamilton so they regard it as a pacifying institution, because I would be perfectly satisfied to abide by their opinion on the matter.

#### DR. HALL'S CHARITY.

981. Lord Justice FITZGERALD.—I think there was another matter you wished to mention?—Yes, Hall's Charity. There was an endowment for a school as well as an almshouse. I see by the evidence in 1881 that it was proposed to apply to the Court of Chancery to abolish the school, on the ground that there was, practically, no use for it there. I think the endowment of that school ought to be made available in any re-adjustment of the educational endowments of the city for educational purposes somewhere within the city.

982. Lord Justice FITZGERALD.—Is any portion of the endowment at present applied to education?—I believe not, I am not quite sure what is being done, since 1880 I have no further information about the thing.

Dean Banbury.—I can give all information about that, only perhaps this is not the time to give it.

983. Lord Justice FITZGERALD.—You wish to urge that this charity ought to be restored to educational purposes?

Dr. O'Dwyer.—Yes, and that it ought to be unencumbered.

984. Lord Justice FITZGERALD.—We must look into the facts and into our powers, but the first thing to look after is the property. The Commissioners of 1880 found that the property had in 1854 been reported as worth nearly £200 per annum, and had been since 1854 under the control of the Commissioners of Charitable Donations and Bequests, whose secretary stated that it had been before the present board 124 times besides involving a very large correspondence; that the property, situated in a decaying part of the city of Limerick, consisted of houses then about 200 years old of which the principal part was nearly in ruins. Another question may arise—and of course we cannot anticipate how it may be decided—namely, whether this property has since 1880 been all turned away from education before our Act passed?

The Dean.—That is a fact.

#### CATHEDRAL GRAMMAR OR BLUE SCHOOL.

985. Most Rev. Dr. O'Dwyer.—With regard to the Craven Schools—

Dean Banbury.—I beg your pardon, my lord, is not this very inconvenient, giving the evidence in part. I would like to explain things in you for I am sure you would not like to take all away from us, poor Protestants.

986. Lord Justice FITZGERALD.—You need not be under any apprehension of our not fully hearing you. It is only for the personal convenience of the Bishop, who cannot attend to-morrow, that we are taking his statement now. The Craven endowment seems to have been given to the Bishop, the Dean, the Mayor, and Recorder of Limerick, for the schooling and

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binding to a trade of twenty poor Protestant children for ever.

Dr. O'Dwyer.—Quite so, and what I want to say is that, these being no poor Protestant boys to educate, it was turned into a Catholic school; and when you came to allocate the funds of another poor school, Lemay's, you should bear in mind that that fund was available for Protestant boys.

The Dean.—Now, the school is under the National

Board, and it is entirely a free school, I have forty children on the roll, and they are not charged a penny. When the last Commission was held it was intimated to me that we were not carrying out the wishes of the original donor, and when that was intimated to me it was my duty to see that the wishes were carried out, and it is now a National school.

Dr. O'Dwyer.—That is quite satisfactory, there can be no objection to that. I thank you, my lord.

## MOUNT ST. VINCENT'S CONVENT SCHOOL.

Rev. D. FitzGerald, R.E., sworn.

Rev. D.  
FitzGerald,  
R.E.

987. Lord Justice FitzGibbon.—You are the chaplain to the convent?—I am the parish priest of St. Mary's, and the Bishop deputed me to give evidence. I gave evidence in 1880.

988. Rev. Dr. MALLON.—Is this institution entirely for the benefit of Catholics?—It is altogether for Catholics.

989. Is it administered altogether by Catholics?—It is.

990. Then in that case we cannot interfere with you unless with your own consent?—So I was thinking.

991. Lord Justice FitzGibbon.—We ought to ask you the condition of the property?—Your lordship called my attention to the deed of purchase of the ground on the last session, the only trustee living then was the late Bishop, and now the trustees are the Most Rev. Dr. O'Dwyer, Rev. Mr. O'Shea, the Administrator of St. Michael's, and the Lady Superior of the Convent.

992. Has the property been vested in those three trustees?—Yes, I have got the deed here (produces).

993. Does this convey or deal with any of the trust funds?—No, only with the lands.

994. As far as that is concerned your title is all right, and it is for the use of the Mount St. Vincent School, which is a purely Catholic institution, and therefore unless you wish to have the property vested in a corporate body we can do nothing?—I was very much obliged to your lordship for your suggestions on the last occasion, and carried them out.

995. You had from Mr. Lecky Arthur £140 a year?—Yes, I find by returns that it has averaged in late years £94 14s. 3d.

996. Lord Justice NAUGHTON.—That is derived out of house property in Limerick?—Out of house property in Limerick.

997. Is it secured?—They are all old houses.

998. Lord Justice FitzGibbon.—Have any of the annuities fallen in?—There is still an annuity of £10 a year on it, Mrs. Roche's. I collect all the rents of the Arthur property except the Tontine buildings.

999. If the tenants refused to pay who could sue them?—I act as agent, and I sue them and recover the rent.

1000. Agent for whom?—The Sisters of Mercy to whom the property was left, the old members of the community to whom it was left still live.

1001. Suppose some troublesome tenants refused to pay you?—I believe I would have to fall back on the Sisters of Mercy, it was left to them for the charity.

1002. Then I may tell you you would have to fall back upon the Lord Chancellor. How do your tenants hold?—Some are half-yearly, some quarterly, some monthly, and some weekly.

1003. Mrs. Baker gave you some property?—I should think her money was spent on the building.

1004. Mrs. Hogan gave you £1,000?—That is invested in a mortgage of £½ per cent.

1005. Who are the trustees of that?—The executors of the late Bishop, I am one myself, Archdeacon Halpin, and Father McCoy.

1006. Dr. TRAILL.—In what county is the property which is mortgaged?—In the county of Limerick. The tenants are buying their property at present under the Act of Lord Ashbourne.

1007. Lord Justice FitzGibbon.—Then there is house property of £25 a year?—That brought in on an average £33 17s.

1008. Who are the legal owners?—There is a movement at present through the attorney who acts for the Sisters to appoint new trustees.

1009. If you get your attorney to move in the direction of getting a body incorporated under our Act to hold the whole of this property, that will get rid of all these difficulties for ever. There is Mr. O'Gorman's grant of 1871, that is £10 a year?—All I received from that is £11 10s. 6d. for three years, the tenants are very poor and they are going into Court to try to get their rents fixed, there are three tenants.

1010. All your trustees, I presume, are Roman Catholics?—All Roman Catholics.

1011. And are the children in the orphanage of that denomination also?—All.

1012. Rev. Dr. MALLON.—Of what order are the nuns?—Sisters of Mercy.

1013. Do you want us to prepare a scheme for you?—We would be much obliged, but I think we will be able to transact the business as we have done in the past, we got on smoothly. I find that when things get into the Courts they are very slow in getting out.

1014. You had better consult the Bishop about the matter, and see whether you can't get out of the Courts once and for all?—I asked his lordship before he went out, and he said I would be right in claiming exemption.

1015. The school is exempt, and we cannot interfere with it without the consent of the governing body.

## DIOCESAN SCHOOL, ROXBOROUGH-ROAD.—(continued).

Rev. Canon Grogan sworn.

Rev. Canon  
Grogan.

1016. Lord Justice FitzGibbon.—We may take up this matter of the Roxborough-road School from the last report of 1880?—My lord, as you gave very great latitude in respect to certain charges I think I ought to have equal latitude in replying to those charges. I felt very sore at one observation, which after describing a state of things which did not exist at all, said that it was not very creditable to me. That was

putting a censure on me on grounds which the person who made the charge ought to know and be sure were in existence, and I say most distinctly those grounds on which that charge was made were not in existence, and I would like as you allowed the statement to be made, that I should be allowed in fairness to reply to those different things.

1017. It would be convenient if we first get the

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Rev. Canon  
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circumstances of the school, and then we will ask you to give us your statement, as fully as you wish, on all these matters you refer to. Taking up the case of the school from the former report, you were then the tenant of the premises at Rotherborough-road under the Commissioners of Education but had no document of tenancy. Have you since entered into any agreement with the Commissioners?—I have; under their sanction I sent in a proposal of which I have a copy. I have their letter accepting that proposal, and a further letter from Mr. Arnold Graves on the part of the Board leaving it to me to name the rent I ought to pay. I named £30 a year which I have been paying since January 1st 1886.

1017. What sum of money had you expended on the premises before the date of that letter?—Something about £400.

1018. Was that expended on permanent improvements on the house?—There is a mixture of furniture with the expenditure, there is on the buildings an account of £443 11s. 4d. expended in this book (produced), but there are debts included. Besides that, including £150 in rent, I have since expended £225 more.

1019. The expenditure includes work on the roof?—The roof was in such a state that if I had not taken down the chimney the whole building would have come down, the chimney was waving with the wind.

1020. There is a sum of £120 paid to someone named Thompson?—He is a plumber. Since spending the £443 11s. 4d. I had to do a great deal in the way of sewerage, and making a cesspool at the end of the field which cost £28. The house was in an unsanitary state, and Dr. Hall and his family never had their health until I found out what was the matter with it.

1021. Could you state how much you have laid out on the premises in permanent improvements?—£500 or £600 at least.

1022. And you have expended that on the title you have now got?—Yes. I would like to mention a matter that was referred to as if the building was depreciated by me to the value of £30, that was the Poor Law valuation, I did not give it as my valuation. I paid the poor rate when I went in first on that £30—£7 10s.

1023. You have paid this £30 a year to the Commissioners of Education since 1880?—Since 1st January, 1880.

1024. What have they done with the money?—They have laid it out on the premises, and they have laid out recently £62, which they had not money to pay. They estimated the work to me, and I said I would pay the money. The money was laid out, and they are waiting for the certificate of the architect. The roof is in that state that it may come down at any moment. They sent down Mr. Mitchell, the architect, and the men found when they got into the ceiling, they dare not touch the roof. They have propped it up and made it very unsightly. The roof is bowed in the middle. They sent down a man named Kieran. Mr. Mitchell came down; he could not go in where the men went, and the men cut into the ceiling. I have their letter of the 11th July, 1887, here (produced).

1025. Could you give your estimate of the value of the premises, irrespective of your own expenditure, at the time you got it?—The premises were not safe for anyone to live in. I found a sewer that had not been opened for forty years, underneath the building. That was the real source of Dr. Hall and his family not being in good health, it was made by the architect to empty into a rock which had no outlet, a large chamber nearly as high as this room, and twenty feet square, and the whole substance that went from the fire of the house went into this and had no outlet for forty years until I opened it.

1026. Supposing this place, in its then condition, was offered in the market for letting or sale, could you give us any estimate of its value?—No, I never thought of it, the building is in my parish, and I put

the matter before our Bishop. We had no parish school, and he recognized me as Rector having a claim on that school-house. I have a great number of parishioners who require provision for a school of that kind in that particular place.

1027. As regards the education, what number of pupils have you there now?—One hundred and one on the roll at present—fifty-six resident, and forty-five day children.

1028. What are the requirements of the locality with respect to day pupils?—All these forty-five children are from the neighbourhood, here is the list (produced). The total Protestant population of St. Laurence's parish is 483, that includes people in the Lamentic Asylum and Artillery Barracks, but (irrespective of those in the asylum and barracks) there are about 303.

1029. What class of education is given to the day children?—Both classes of resident and non-resident children are taught together. The education given is primary. The school is divided into two schools. At the time of the last inquiry we had only one school, we have now an infant school as well as a girls' school. The National Board books are used.

1030. Do the 101 include the infants with the others?—Yes.

1031. Where do the fifty-six resident children come from?—Thirty-three from the city and county of Limerick. All the children, with the exception of six, are free.

1032. Do you mean both day pupils and the others?—Yes, the total they pay is £37.

1033. There is one child put down at £6 a year?—That is one of the Protestant Cyprian Society's children.

1034. There is a payment of £4 a year from Cork, how is that contributed?—By the children's father, a pedlarman, his wife belonged to my parish, and died at Christmas, he asked me as he had no way of taking charge of the children if I would take charge of the three children, and he agreed to pay £1 a month.

1035. There are some paying pupils named Storey?—The father is in the employment of the railway, and pays 10s. a fortnight, their mother is dead.

1036. In those cases they are children whose fathers, having lost their wives, have sent the children as resident pupils to you, paying something for them?—Yes.

1037. How are the free children admitted?—I admit them myself on a personal application by the legal guardian, and only by the legal guardian.

1038. Would you just give us fully what your practice is in admitting the children, and what classes they belong to?—They belong to the poor who have no way of having their children educated.

1039. Does every free pupil in the school come in after a signature by some one?—Always the legal guardian.

1040. As regards the religious denomination of the children what are your provisions?—The provisions are that the children come in as Protestants from their legal guardian. The father, if he is alive, is the legal guardian; if the father is dead, the mother is the legal guardian, and I take the application from that party.

1041. Have you got a form of application?—Yes, here it is.—1. Names of parents—if either or both are alive; employment and residence. 2. Names of all the children, and ages, and if at home, or where resident. 3. If child is perfectly healthy in mind and body, and free from skin disease or other defect. 4. Has he or she been vaccinated, had measles, whooping-cough, or scarlatina? 5. If admitted will the parent or friends agree to take him back if required to do so? 6. Will he be sent to Limerick suitably and respectably clad, and in charge of some reliable person. 7. Will any help, annual or otherwise, be given by anyone to the funds of the school?

1042. Lord Justice NAUGHTON.—Have you a printed form?—No, I never have a printed form. I drew one up when the application comes, and I send it to the party who applies.

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1043. Lord Justice Fitzgerald.—I see it is in the form of a letter, beginning—"Dear sir, I am anxious that you should receive my child into your school in Limerick to be educated. If you receive her I will agree to receive her back if at any time you should wish me to do so." (Witness).—They are not taken in for five years—that is quite a mistake.

1044. Lord Justice Naisbitt.—How a stipulation been made in any case that a child is to be kept for any fixed period?—No, the moment the legal guardian wishes to have a child that child is taken away. If you allow me I will refer you to a case that was brought forward at the end of the inquiry last time, when I was taken by surprise, but I have documents here to show that these people were Protestants always, and the father died a Protestant, with Dr. Collins, of Quinestown, beside his bed at the posthouse.

1045. There was another question we were asked to put to you—have you any children in the place who are not legitimate children?—There are two or three.

1046. What is the authority on which those children are received?—That of both parents.

1047. In the case of illegitimate children?—Both parents.

1048. Dr. TRAILL.—One parent very often does not recognise the child?—In the cases I had both parents did.

1049. Lord Justice Fitzgerald.—Have you accepted illegitimate children on the mother's application alone without knowing anything about the father?—No, and as to that case that was referred to, we never had anyone of the name of U'Edrian taken out of the posthouse. I know nothing about it. I never to my knowledge took in a child that was taken out of the posthouse, and presented to me in the way that was said. I would not take them in without a regular document. In the case we have, both parents signed the document.

1050. What is the number at present, don't give the names, of illegitimate children who are in the place?—I think about three.

1051. And in each of these cases are you able to state that you had communication with both parents?—Both parents.

1052. Dr. TRAILL.—Do they pay for them?—No.

1053. You are a liberal person to take in illegitimate children without having a provision made for the father to pay for them?—I have an arrangement made that if I cannot keep them they must be taken back.

1054. Lord Justice Fitzgerald.—What fund have you for maintaining these children?—I have no endowment except voluntary subscriptions; we have £40 a year under the Westropp fund. The boys are at the Haverhill Memorial Hall.

1055. How that institution been recently established?—I recently bought the hall. Mrs. Westropp left £15,000 for certain charities in Limerick; each was to get so much. That money is vested in seven trustees, who pay the interest over to the charities mentioned in the deed. I get £40 a year for these schools.

1056. About how much money are you able to collect year by year for Roxborough?—It goes into the common fund. Roxborough costs about £700 a year.

1057. Is the fund common to that and the Haverhill Hall School?—Yes.

1058. What sort of instruction do you give the children?—They all get primary education, but we train them so that they are very successful in getting into the Kildare-street Training College. One of our girls got tenth place last year. She has a school in the county Kerry, after one year's training. We had nine trained as teachers, and one of them got £100 a year under the National Board, in Leitrim, as a teacher.

1059. What provision do you make for the children on leaving?—We can get very good wages for them as servants. The demand is so great we cannot meet it.

1060. Then you have no difficulty in providing for your children?—No difficulty at all.

1061. Have you any idea of the annual cost per head of maintaining your boarders?—I calculated about £16.

1062. That does not include clothing surely?—It includes everything, teachers' salary and everything.

1063. Lord Justice Naisbitt.—Do you make inquiry as to what the religion of both parents is?—I do, but I consider that if one parent is a Protestant, I have a right to try and bring the children in, but I never look for them.

1064. As a matter of fact, how many children of mixed marriages have you in the school?—I did not make that out, but I could easily tell you looking at the list. Here is a mixed marriage case of McCarthy, the father is a Protestant, a carpenter in Limerick, the mother is a Roman Catholic, but all the children are Protestants. It was on the father's application that the child came in, we have only one child of that family now.

1065. Lord Justice Fitzgerald.—Do you state if your own knowledge that other members of the family have been brought up by the father in his own way of thinking?—Yes. The mother never objected to the children going with the father. There are three children whose mother was a Roman Catholic but a dead, the father was a Protestant, I have marked them as mixed. Taking them all in there are nineteen.

1066. Could you give us any idea of whether the fathers were Protestants or the mothers?—In some cases one parent is dead. There is Hennessey, the father is a Protestant, he is in the railway, and all the children are Protestants, the mother is living.

1067. Lord Justice Naisbitt.—In the case of the child McCarthy, you say the child had been brought up a Protestant?—Always.

1068. In the case of those other children, are you aware whether the children had been brought up Catholics or Protestants?—I am aware that some of them were, and then on the death of the mother, the father came and said as he was a Protestant himself, he wished I should take his children, he had no use to look after them.

1069. Dr. TRAILL.—Are there any cases in which the father has been a Roman Catholic, and while living the mother has given the children to you?—I cannot recollect; here is the case of a Roman Catholic parent, Murphy.

1070. Is the father living?—Yes, and all the children are Protestants.

1071. Has the father agreed to their coming in?—Yes; he is a coachman.

1072. Is there to your knowledge any case in which the children are there contrary to the wish of the father, he being alive?—Not a single case.

1073. Have you got in every case in which the father is alive, the father's written authority for taking in the children?—I have the consent, as the applications came with his knowledge from the mother, as Murphy, for instance.

1074. Lord Justice Naisbitt.—But the application was from the mother?—Yes, the children being all Protestants.

1075. Lord Justice Fitzgerald.—Have you had, since the last inquiry, any application for the removal of children from your institution after they were admitted?—No, because the parent can walk in and take them out any moment they like. There is no difficulty, I never put an impediment in the way.

1076. You wished to make a statement with reference to the case mentioned at the last inquiry?—Here is the case, Reed of Quinestown. [Lester read.]

1077. Those children were ultimately removed from your school by the mother?—I gave them up as soon, and the mother went down on her knees in my study thanking me for giving them, and Mr. Elford, is what

they were brought over, said they were a credit to my school.

1072. The point that was made about that case on the former occasion was that there was some delay about the children being taken away by the mother?—I was absent at the time, but I gave them up, because I did not want to have any amputees. I never kept a child against the will of the parents.

1073. Have you had any similar applications to have children taken out of your school, and put into Catholic schools?—Several children were taken from me and put into the Industrial Schools in the city. There was one case in which Sir John Lestrange and Mr. Lascombe had to come down by the night mail, and he came to me and said, "If this case goes to a public inquiry the certificate of the school will be cancelled." Two boys of the name of Roberts were taken in, smothered, and dragged there, and the father was brought there. These two boys were brought into the Board Room, and Sir John Lestrange asked what authority there was for their being in there. And the head of the establishment produced a document and asked the father "Did you sign that document?" "No," he said, "I did not." Sir John Lestrange said "Give us the children." He brought them out to the gate and gave them to me. They were always Protestants, the mother had been a Roman Catholic, but at the time I had them the mother was dead a long time.

1074. Rev. Dr. Maccor.—Who took them away from you?—An elder son of Roberts had married a Roman Catholic, and when the father was supposed to be dying the boys were allowed to go see him, and they were taken and put into that school.

1075. Lord Justice FitzGibbon.—Did those boys after they came back remain on with you?—They did. One of them is in the city still, one went to Belfast as a tailor.

1076. Dr. TRAILL.—The father recovered them afterwards?—He did, and when I went over to pay my visit in the County Prison Mr. Lascombe was sent over by Sir John Lestrange to ask me not to put it into the papers. I said I only wanted to get the boys back, I did not want any publicity. I have here the report of the Orphan Society (produced). There are four on the list of the name of Graydon. The two girls were taken and put into Mount St. Vincent's School, and baptised there.

1077. Rev. Dr. Maccor.—Who took them?—The mother, who had been a Protestant, was married again. Her children had been on that orphan list. While Graydon is in the navy now.

1078. Lord Justice FitzGibbon.—The father is stated to have been in the constabulary?—Yes, when the father died these children were put on the Protestant orphan list; when the mother married again she took the five children, and they were put into lodgings, and the two girls, Margaret and Jane Graydon, were put into the orphanage.

1079. Had they been in your institution?—Not until after I got them back, because the Orphan Society had given up all hope of recovering them, and I recovered them.

1080. Had the father and mother both been Protestants during the time of their marriage?—Yes.

1081. Can a child go on the list of the Limerick Orphan Society unless both parents were Protestants?—Oh, yes, as children of mixed marriages.

1082. From the time that you say the mother took them from the Protestant Orphan List until they came into your institution, how long was it?—I dare say about a year.

1083. And during that time two of them had been at Mount St. Vincent's?—Yes, I think so.

1084. What authority had you in that case for taking them into your institution?—The Orphan Committee said as they could not recover them, if I recovered them they would leave them with me.

1085. Dr. Maccor.—What do you mean by re-

covering them?—Because they had gone beyond their reach.

1086. You mean getting possession of them?—Getting the mother to give them back again.

1087. What means did you take?—I sent for her and got her to come to me, and I said I knew it was contrary to the rules of the Industrial school to keep them in there, and I wrote a letter, and said "If you sign that I will send it up to the Lord Lieutenant." But instead of that she went up to the school, and showed the document and they were given up.

1088. Lord Justice FitzGibbon.—Were they voluntarily given up to you by the Mount St. Vincent's authorities?—Yes.

1089. Did they remain with you?—Yes, until thirteen, when I put them into the Orphan Training School.

1090. Dr. Maccor.—How old were they when you "recovered" them?—Between ten and eleven.

1091. In whom are your school premises vested?—In the Clero-street Commissioners at present.

1092. You are the tenant?—I am the tenant to them.

1093. Under what tenure do you hold?—A yearly tenancy.

1094. They state in their letter to you that they were making this arrangement with you, they were advised by counsel that they were exceeding their powers?—Under their powers they had no right to take any rent at all.

1095. Then your lease was invalid?—I have no lease, I am only tenant from year to year.

1096. What rent do you pay?—£20 a year.

1097. Lord Justice Maccor.—Don't the Commissioners give it back?—They say they have laid it out on the school.

1098. Dr. TRAILL.—You pay money, you don't "exchange receipts"?—No, those (produced) are my receipts. They stated to me the other day that they had no money to pay this bill of £20 which had come in from Mr. Keenan, and I said, "If you choose I will pay you the money and stop it as rent."

1099. Rev. Dr. Maccor.—In your opinion does the £20 a year represent the value of the premises?—I am paying for my own improvements, because the building was not worth anything until I laid out the money. I might have only put £5 on. They left it to me, because they had no power to impose a rent, and I think they could not say I was taking an advantage when I put £20 on, and the Monaghan people were only paying £5 a year.

1100. Do they keep the premises in repair for you?—They do, some of them. I do a great deal myself.

1101. Out of what funds are you able to do that?—I collect the money; I appeal for funds.

1102. Lord Justice FitzGibbon.—Are the children in your place all Protestants?—They come to me as such. They are educated as such.

1103. Have you anybody administering the £700 a year which you collect and apply for the purposes of Buxton's but yourself?—Only myself.

1104. Therefore as a school you are under our Act exempt from any settlement of a scheme?—I have not a farthing of money that you would call an endowment.

1105. The only matter we can deal with in this case without your written consent is the reversion on your tenancy?—I have put in a proposal to them about purchasing the building, and on account of all the money I have laid out, I ask a right of pre-emption, the place was saved from destruction, it is now a useful building, and it has been made so by my money.

1106. Rev. Dr. Maccor.—What do you mean by a right of pre-emption?—Having the first offer of purchase.

1107. What would you give for it?—I could not tell you that. I would let them say what they think the value, and I would give what I thought the value. The Masons Hall, which I have now as the Haver-

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Rev. Canon Grogan.

Oct. 11, 1907  
 Rev. Canon  
 Gregg.

gill Memorial Hall, had an outlay of over £4,000 on that building. It was put up for auction and the highest bid was £600. It would not be sold for that sum. I purchased for £970, what cost over £4,000. That will give you an idea of what the value of the buildings are in proportion to the outlay.

1114. Dr. TRAILL.—How long after the outlay was that?—I don't know. It was built first as a Philosophical building. I suppose it was thirty-five years ago.

1115. Lord Justice FRANKLIN.—What was the history of that building—where was the fund provided with which it was originally built?—There was a scientific man here and he wanted a philosophical building; they took debentures, and before the building was completed they were bankrupts. Sir James Spaight had a mortgage on it of a thousand pounds. Then it was set to Forrest of Gifford-street for a lace factory. He had it leased for twenty-one years when they gave it up. It was then in the market again, and I bought it for £500, but I could not get the £500, and I gave it over to the Freeholders, and they laid out £1,200 on it. They became bankrupt, and I bought it again for £970.

1116. Where did you get the £970?—I had the money in my own hands as trust money, at least I had £500 of it, and Mr. Jacob and another gentleman in the city gave the other £470; it cost with legal expenses £1,000.

1117. What use is made of it now?—It is a boys' school; we have fifty boys in it.

1118. Is that a Protestant school under Protestant management?—It is.

1119. Is there anything else you wish to state?—I wish to say that everything I have done in connection with getting possession of the Roxboro' building or carrying on the working of it was above board; it is all open for fair inquiry. In my first communication with Dr. Kyle I asked would I be right or sole in giving Mrs. Hall any money to get possession, and he said, "Yes."

1120. All that is in the former report, and it is only right to say that the people with whom you were corresponding were the Commissioners of Education, acting under Act of Parliament, and bound to report to Parliament every year, and that this transaction appeared in their report.

1121. Dr. TRAILL.—In what respect was this hall to be a memorial to Miss Haverhill?—It was called that by me when I bought it.

1122. Lord Justice FRANKLIN.—I think we have now heard fully the Bishop, Dr. O'Dwyer, and also Mr. Gregg, upon the matters connected with this Roxborough School, and it is right that we should state how far we have anything to do with these matters of controversy. We have only to deal with my portion of this institution that represents an endowment within the scope of our Act. So far as the existing school is concerned it appears perfectly clear that as a school it is outside our jurisdiction, except with the written consent of those who have its management, for all the pupils are Protestants of one denomination, and are brought into the school for the purpose of being brought up in that denomination, and the whole government of the school is in the hands of Dr. Gregg, who belongs to that denomination himself. Therefore, as regards the school, it was simply, and I hope fairly, for the purpose of having the whole matter satisfactorily explained here, and allowing every gentleman to state his views, that we have heard evidence. We have, however, a duty to perform with respect to the endowment represented by the buildings, as they were given up by the Commissioners of Education to Dr. Gregg, and by the interest the Commissioners still possess in those buildings. This was a diocesan school, built to secure

extent with public money under an Act of Queen Elizabeth, intended to provide superior education for all classes. Those schools were afterwards vested in the Church-street Commissioners, the school failed and ceased to exist as a school, and became an empty and dilapidated house in their hands. They let it to Dr. Gregg under the instrument of tenancy produced here, and their interest still appears in it to be an endowment coming within the Act, and which it is our duty to make useful as far as we justly can. The only proposal that has been put before us is that it should be sold, and Dr. Gregg claims a right of pre-emption. He is in the position in which some other educational bodies in the place appear to be, he has been spending his money on a bad title, and he could be evicted without compensation, inelegantly in one sense, but legally in another. We are bound to deal with the matter when seeking a scheme for the management of the endowments vested in the Commissioners of Education; we will make provision with respect to this building as justly as we can, and we will consider what clauses we can insert, if any, to protect Dr. Gregg in the expenditure he has made. It may be that he should have the refund of the building valued as he got it, or in the alternative the compensation for his permanent improvements should be paid to him by the Commissioners out of the remaining diocesan school funds which they possess, to whatever extent a tenant who has spent money on a bad title with his eyes open is entitled to equitable consideration. We wish it to be understood that the only place in which this Roxborough-road School can appear in any scheme to be framed by us will be in a minor or adjunct for the management of the endowments vested in the Commissioners of Education. It is quite impossible for us, having regard to the present state of affairs, to establish a new school in the building the school that is now in it is not within our jurisdiction, and the Commissioners' interest in the building is the only thing that comes within our jurisdiction. Any scheme that we may prepare for the endowments held by the Commission of Education will contain ample powers to convert into money any buildings or property which cannot be otherwise made available for educational purposes, and it is under such powers that these buildings must be disposed of.

1123. Dr. TRAILL.—Suppose Dr. Gregg gives his consent, could we give him a scheme dealing with the buildings?

Lord Justice FRANKLIN.—If he applied for the settlement of a scheme under the Act we could certainly settle a scheme for him, and deal with these buildings.

1124. Rev. Mr. Gregg.—Have I power to send in a scheme?

Dr. TRAILL.—We prepared a scheme for Minagh which was very much in the same position. It seems to me if you give your consent to have a scheme prepared for you, that this Commission should deal with the school as far as it belongs to you, and it would be quite within the power of the Commission to settle the terms on which the buildings should be conveyed to you.

1125. Lord Justice FRANKLIN.—Monaghan School was within the compulsory powers of our Commission, Roxborough is not, Monaghan School was under the control of a mixed body of Protestants, and we settled a scheme giving them a good intermediate school, available for all the Protestants of the locality. The cardinal difference is that the Roxborough School is not within the jurisdiction, except with consent. If that consent is given we can prepare the draft of a scheme which we will not force upon Dr. Gregg, but in preparing which we must give consideration to all the claims on the building.

## CATHEDRAL GRAMMAR SCHOOL—(continued).

Dean Busbury examined.

1194. The funds only amount to £32 2s. 6d. per annum, there is a fall off of £16 since the *Commissioners of 1680* in consequence of the fall of a house which was in a dilapidated state, and unfortunately in the fall two persons were killed. Since the last *Commissioner* I have placed the school under the National Board, and at present on the roll there are forty-one children who receive primary education without fee or charge, so that I am more than carrying out the bequest of the donor who left the money to educate twenty poor Protestant children.

1197. Lord Justice FRYGEMAN.—The first endowment was under a deed of 1734, and a will of 1739, and consisted of some tenements in Limerick?—Yes.

1198. Are those the tenements that have fallen?—Yes of them have fallen.

1199. What do you get from the house property?—Nothing, we have no house property now, the only income we have is derived from the Commissioners of Charitable Bequests.

1200. I see there are recovered trust funds, £24 2s. 6d., formerly left to the Dean and Chapter, and some monies amounting to £913 12s. 2d. in the hands of the Commissioners of Charitable Bequests?—We get the interest of that, and £5 a year for a house let to the Dean and Chapter of the Cathedral, I think that house as belonging to the Cathedral and not to this charity at all, however, it is taking money out of one pocket and putting it into the other.

1201. We had almost an identical case in Dublin in St. Patrick's Cathedral Schools, where they had an old school connected with the Cathedral, and also a newly endowed school managed by the Dean and Chapter, they incorporated the Cathedral Board as a governing body for the management of all their schools. If you would get from the office a copy of the scheme for St. Patrick's Cathedral Schools you would probably find it does what you want to do here.

1202. Lord Justice FRYGEMAN.—What is the actual income?—£30 15s. 8d.

1203. Lord Justice FRYGEMAN.—Who is the present governor?—The Bishop, Dean, and Rector of St. John's.

1204. Lord Justice FRYGEMAN.—How is the money applied?—£20 a year to the schoolmaster, and the rest is expended on coal, books, and furniture.

1205. Lord Justice FRYGEMAN.—I suppose the deed of the fallen house is in existence?—It is valuable, it is an old part of the town, the agent has been trying to dispose of it but he is only offered a few pounds, it is in connection with a very large charity, the Craven charity, which is a widows' charity.

1206. Dr. TRAILL.—Are the almshouses in the same place?—They are under the Hall charity.

1207. Lord Justice FRYGEMAN.—Who administers the Craven fund?—The Bishop, myself, and Mr. Langbridge.

1208. How were you appointed?—Under the will. The Bishop, Dean, the Mayor, and Recorder of

Limerick, and their successors for ever were entrusted with the houses. The Mayor and Recorder at that time were Protestants, but they have long ceased to act, so that really the trust has come into the hands of the Dean, Bishop, and Rector of St. John's.

1209. This being a strictly Protestant charity, the municipal trustees would drop out of it under the Municipal Corporations Act of 1843, but how did the Rector of St. John's come in?—That is a puzzle to me. I see no reason for his coming in except that some of the houses were in St. John's parish.

Archdeacon Hamilton.—I understood he was a member of the trust board. I was rector of St. John's for fourteen years, and I was a trustee for that time. I think the Rector of St. John's is mentioned somewhere or other.

Dean Busbury.—I never could find it out and I know the Rector of St. John's before was also a trustee when he died.

1210. Dr. TRAILL.—Is the Rector of St. Mary's a trustee?—No.

1211. Lord Justice FRYGEMAN.—I believe a house in Dublin that was originally bequeathed to this charity has disappeared?—Yes, so it appears.

1212. Dr. TRAILL.—What has become of the £40 a year that Mrs. Craven bequeathed?—I don't know where that is.

1213. Lord Justice FRYGEMAN.—We are not practically advancing the matter by inquiring as to the Craven charity which is not educational, but if you think it would be an advantage that the Rector of St. John's should get a legal status, and you should associate one or two laymen who might help in the management of your property and save you the expense of an agent you can do so now.

Dean Busbury.—I don't see what the Rector of St. John's has to say to the school, it is in the hands of the Bishop and myself.

1214. Lord Justice FRYGEMAN.—As remaining members of the old board of four?—The Mayor and Recorder have long ceased to act, and the trust is now in the hands of the Bishop and myself.

The Mayor of Limerick.—As regards the Mayor, at the last meeting of the Craven Trustees I was summoned, and recognised as a member of the board.

Dean Busbury.—That is with regard to the widows, but you have no status with regard to the school.

1215. Lord Justice FRYGEMAN.—You should see what has been done in the case of St. Patrick's Cathedral. It was a very similar case, and our scheme has put the matter for once and all clear. Your endowment seems to be within the scope of the Commission, as the Mayor and Recorder still appear to be trustees.

Dean Busbury.—There is no Recorder now.

Lord Justice FRYGEMAN.—No, but there is a provision in the County Courts Act by which his office may be restored at any time.

## ST. JOHN'S PAROCHIAL SCHOOL.

Rev. Frederick Langbridge sworn.

1216. Lord Justice FRYGEMAN.—Are you one of the trustees of the Westropp trust?—No, but I am concerned in it as Rector of St. John's; £200 was left to St. John's Parochial School.

1217. There is also a grant from the Earl of Limerick of school premises and £5 a year?—We hold the premises at the rate of 1s. a year.

1218. Where are your schools?—Cornwallis-street.

1219. How many children have you attending there?—Thirty-one.

1220. Are they primary schools?—Very primary, almost infants.

1221. Are you in connection with the National Board?—We are not.

Dean Busbury.

Rev. Frederick Langbridge.

Oct. 11, 1897.

Rev. Frederick  
Langbridge.

1152. What income have you?—Nothing at all but £5 for repairs allowed by Lord Limerick, and £100 from the Westropp trustees.

1153. Who pays the interest?—The Secretary, Mr. Brown.

1154. Who are the trustees?—There were eight trustees.

1155. (Lord Justice FitzGibbon reads deed of trust).—How do you apply the money?—Entirely to pay our teacher, and it is not quite enough to do it.

1156. How do you supplement it?—We have got it in all kinds of irregular ways, we have asked our congregation for it often.

1157. Rev. Dr. Mottor.—How much do you get a year?—£41, and our salary to the teacher is £45.

1158. Lord Justice FitzGibbon.—Who holds the school premises?—I really don't know.

1159. Does anybody look after the property?

Archdeacon Hamilton.—It is held under a rent of 1s. a year from the Earl of Limerick, and it is vested in the Rector. While I was there I paid sixpence every half year.

Rev. Mr. Langbridge.—I have got a notice to-day to pay the sixpence.

1160. Lord Justice FitzGibbon.—Have you any lease?—No, there is no lease.

1161. The former report states you have a grant?—It is practically a gift.

1162. Rev. Dr. Mottor.—You don't want any interference?—We don't want any, except that we are not getting our money at all now, the Westropp trustees have paid us nothing for half a year, and we are extremely poor in our parish. Our parishes are paupers to a man. My impression is that they are nearly all on the verge of pauperism.

1163. Are you within reach of Leamy's school?

Not for a number of the children who attend our school, they are very young.

1164. They don't always remain young?—They go from us when they grow up.

1165. Do you know why the money is not paid?

Rev. Canon Gregg.—There is a whole year due, the money was lent out on that unfortunate place, Bodys, there is £164 due to me on other charities. Colonel O'Callaghan cannot pay, he borrowed a large portion of the £13,000 belonging to the Westropp trustees.

Rev. Mr. Langbridge.—Our position at present is that we shall have to close our school very abruptly—temporarily, of course.

1166. Lord Justice FitzGibbon.—What is the attendance at your school?—The average for last year was thirteen, we have seven new names within the last week or two.

1167. You are not large enough to get a salary from the National Board?—We could get a modified grant.

1168. We may tell you exactly what we told the Dean. If you look at the schemes for Roheny and Coolock Parochial Schools, or the Ormond Quay Presbyterian Schools, you will find they deal with schools very like yours; they ascertained the property, and gave powers to deal with and recover it, and also to manage the schools properly. Generally speaking, in such cases we put the diocesan at the head of the governing body, and add two, or three, or four lay representatives. Your school is not within our compulsory powers. I am afraid we cannot compel tenants to pay rents which they paid with, I presume, reach the mortgagees, and ultimately be transmitted to you for the teaching of your poor children.

## ST. MICHAEL'S PAROCHIAL SCHOOL.

Archdeacon Hamilton examined.

Archdeacon  
Hamilton

1169. Lord Justice FitzGibbon.—What is the condition of St. Michael's Parochial School?—When I came into the parish four years ago I found a parochial school established by my predecessor about ten years before; he had been receiving the income of the Barkle Charity, and I have been receiving it since; it is the same school, under the same master and mistress, and in the same building. I put it under the National Board two years ago. The dividend on the endowment was to be paid as long as there was a parochial school in St. Michael's, and there has been one uninterruptedly, and is still.

1170. You receive the money from the Com-

missioners of Charitable Donations and Bequests?—Yes.

1171. Have you any other endowment?—No.

1172. It would not be worth while to settle a scheme for the management of this endowment alone?—No. The school has increased since we put it under the Board. The average last year was seventeen; it increased very much since it was put under the Board, there were seventy-one in the school yesterday. The total for 1896 on the rolls was 151. There was only sixty-two the year before it was put under the Board. For the three quarters this year the total on the roll was 105.

## DR. HALL'S CHARITY—(continued).

Dean Dunbury.

1173. Dean Dunbury.—I handed in a Charity Scheme, dated 24th June, 1890, by which the portions of this charity which had up to that date been utilized for the purpose of education was diverted, and under these circumstances I respectfully submit that your Commission has no authority to investigate or go into this matter, but it would be ultra vires. I may be quite wrong, but it strikes me this Commission was only appointed for the purpose of investigating existing educational endowments, and this educational endowment ceased to exist by an Order of the Court of Chancery, on the 24th June, 1890. We have it in very much better order than it was when you last had to look into it, and we are preserving the remainder of the property.

Lord Justice FARRER.—To what purpose was it diverted?—To paying widows' pensions. There is an

almshouse, and up to the date of the scheme the widows were only receiving £5 a year.

1174. Lord Justice FitzGibbon.—Was the sum which was formerly applied to education diverted to augment the widows' pensions?—Exactly; their pension was doubled.

1175. What has become of the school buildings?—The portion of the almshouse building formerly used as a schoolroom is now available for the accommodation of the widows.

1176. It is quite clear that we cannot interfere. The Act of Parliament says we shall not divert from purposes that are not educational any money that is spent during three years before the Act to have been spent on non-educational purposes, unless we find that there are no persons entitled, or that the purposes have failed.

## SACRED HEART COLLEGE.

Rev. Timothy O'Keefe, *s.r.*, examined.Oct. 12, 1887.  
Rev. Timothy  
O'Keefe, *s.r.*

1177. Lord Justice FITZGERSON.—You were anxious to give us evidence in reference to the Sacred Heart College?—Yes, my lord.

1178. How are you connected with it?—I am rector of the College.

1179. Is it in connection with a religious order?—It is with the Jesuit Order.

1180. What property do you possess?—We have no endowment whatsoever, the College is carried on by the fees of the scholars, and by the fees which we receive from the Intermediate examinations, and also from our own contributions to the support of the College.

1181. The College is carried on at the Crescent?—Yes.

1182. You have prepared a number of pupils for the Intermediate examinations?—Yes, and with very considerable success.

1183. Rev. Dr. MOLLOY.—What was the total number of pupils last year?—About 110, of whom we sent up 40 for the Intermediate.

1184. And nearly all of these passed?—All with the exception of five.

1185. You got a considerable number of prizes?—We got 9 exhibitions, a gold medal for the first place in the middle grade, and 2 silver medals, retained 2 exhibitions, got 6 money prizes, and about 20 passes with honours.

1186. Lord Justice FITZGERSON.—Are all these Limerick boys?—Some few come from Tipperary, and some from Clare by train, nearly all are Limerick boys.

1187. Rev. Dr. MOLLOY.—What is the greatest distance they come?—We have two from the town of Tipperary, that is the greatest distance; they come by train every morning; several boys come by train on the Clare line.

1188. Dr. TRAILL.—I suppose you claim exemption from the powers of this Commission?—I would be very glad to come under the Commission if it would do me any good.

1189. Your institution is entirely for the education of Roman Catholics?—Yes; sometimes we have Protestants at our school.

1190. But your main object is for Roman Catholics?—Yes.

1191. And it is administered by Roman Catholics?—Yes.

1192. Lord Justice FITZGERSON.—What relation is there between your education, and that given at Mangret?—None whatever, Mangret is altogether a Royal University College, and ours is an Intermediate school.

1193. Then supposing a boy to go through a regular course with you they could take him from you, and carry him through a university course?—It may be so, but we have several boys studying the Intermediate course who could matriculate long before they finished with us.

1194. Which do you consider the more difficult, the Royal University Matriculation or the Intermediate?—The Intermediate certainly. The passes for matriculation in the Royal would be equivalent to a pass in the junior grade in the same subjects. And one of the great defects that I have to complain of is that some of the boys who wish to pass from the Intermediate to the Royal find it difficult, for although the standard is the same, sometimes the books are different. For example, in Latin for the matriculation in the Royal there are the Fifth Book of the *Æneid* and *Cicero*, whereas the books prescribed for the junior grade this year are *Nepos* and the First Book of the *Æneid*. I wish to have it on record that here we are in Limerick carrying on a very successful school for the benefit of the city, and we, the Jesuit Order, are carrying it on at a very great pecuniary loss, and

entirely at our own expense, except so far as fees go.

1195. What are the fees?—The nominal fee is £3 15s., but it is very rarely we get it, several boys pay us nothing. I suppose last year in fees our average would be a little more than £4 5s.

1196. What fee is a boy of the ordinary class wanting Intermediate education as a rule able to pay?—They say they are not able to pay us, although they require the education. I don't think £3 15s. is at all a large fee, but still several of the parents object to pay that fee, and ask us for a reduction, and we have to make the reduction.

1197. Dr. TRAILL.—How many teachers have you?—We have occupied solely with education four Jesuits, two assistant masters who are not Jesuits, and we have four Jesuits who are partially employed.

1198. Lord Justice FITZGERSON.—Do you teach all the subjects of the Intermediate course?—All the subjects, we teach Latin and Greek, mathematics, natural philosophy, chemistry, drawing, music, Celtic, and French.

1199. Professor DOUGHERTY.—Do your pupils enter the Royal University from your school?—Occasionally.

1200. How do they carry on their education for the Royal University after leaving your school?—They substantially prepare by the Intermediate course, and then they study privately perhaps for a month or two, read up the particular books that may be required for matriculation. We have also a special matriculation class in our school.

1201. Rev. Dr. MOLLOY.—How do they get instruction for the remaining part of the Royal University course?—Some I know have entered Trinity College and some are in Mangret.

1202. And others perhaps prepare themselves by private study?—Others by private study. I am not aware of anyone in University College.

1203. Dr. TRAILL.—Some of them have gone to Trinity College?—Yes; one of them is Mr. Charles Doyle.

1204. Professor DOUGHERTY.—If the trustees of Mangret are able to effect their aim by making that College a University College, do you think your school will not as a feeder to the college?—I don't think it would supply many boys to it. I don't think many would be likely to go.

1205. Rev. Dr. MOLLOY.—Are the boys that go to Mangret more advanced than the boys that come to you?—Yes, they require them to be more advanced.

1206. Professor DOUGHERTY.—They are preparing boys in Mangret for the matriculation examination of the Royal, and if the matriculation examination is about as hard as that of the junior grade, the boys who enter Mangret would seem to be of the same class?—Well, they are bachelors at Mangret, and they may have a particular object in entering there.

1207. Lord Justice FITZGERSON.—Do you mean the object of preparing for a sedentary life and joining your order?—No, very few join our order or become priests here.

1208. Then to what object do you refer?—Becoming missionary priests in England and America, and other places.

1209. Dr. TRAILL.—How many years has your institution been here?—Twenty-seven years.

1210. Rev. Dr. MOLLOY.—Are your boys of the same social status as those who go to Mangret?—Better I should say.

1211. Lord Justice FITZGERSON.—Does your school at present supply Intermediate education in Limerick to the best classes in Limerick itself who want it?—It does, amply.

1212. Have you sufficient accommodation?—We could take twice as many.

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Rev. Timothy  
O'Keara, s. r.

1213. It is a great deal cheaper in proportion to maintain a school with 300 pupils than with 100!—It is.

1214. Lord Justice NAHE.—Have you the building off the Crescent that was formerly a Catholic diocesan school?—No, that is now leased as a boarding-house for ladies.

1215. Is there any provision in Limerick for boarding clever boys who want to get a good Intermediate education?—None. There are some boys who come from the country and we provide them with safe lodgings, and have a kind of supervision over them.

1216. How many boys have you coming in from the country?—Sixteen or seventeen. The train suits

very well. The parents complain very often of the fare being a great expense upon them, frequently much more than the fees.

1217. Professor DOUGHERTY.—What is the distance from Tipperary to Limerick?—About twenty-six miles.

1218. Rev. Dr. MOLLOY.—I suppose you would be very glad to get any endowment we have to dispose of?—Certainly, that is the reason I appear here.

1219. Dr. TRAILL.—What amount do you receive in result fees from the Intermediate Board?—Last year we got £115; we have to pay £130 to extern teachers.

The sitting terminated.

Oct. 12, 1887.

## PUBLIC SITTING—WEDNESDAY, OCTOBER 12, 1887.

At the Courthouse, Ennis.

Present:—The Right Hon. Lord Justice FITZGERSON, and the Right Hon. Lord Justice NAHE, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., D.S.C., ANTHONY TRAILL, Esq., M.D., M.B., F.T.C.D., and Professor DOUGHERTY, M.A. Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, Junr., was in attendance.

Lord Justice FITZGERSON made an introductory statement.

### \*KILLALOE DIOCESAN COLLEGE.

Rev. Denis Kelly sworn.

Rev. Denis  
Kelly.

1220. Lord Justice FITZGERSON.—What position do you hold in the Diocesan College?—I am one of the teachers, and Vice-President of the Institution.

1221. From the Report of 1886, it would appear that the original Killaloe Diocesan College had become inadequate to the requirements of the College, and that new buildings were then in the course of erection at Ennis, have they been since erected?—Yes.

1222. How are the premises held?—They are vested in trustees, the Right Rev. James Ryan, Coadjutor Bishop of the Diocese; the Very Rev. John Ryan, who was then President of the College and is now a Fellow of the Royal University in Dublin, and a Commissioner of Intermediate Education; and the Rev. Daniel Fogarty, the Catholic Administrator of the parish of Ennis (procurator deo).

1223. This is a deed of January 31, 1878, vesting a conveyance from the Landlord Tenants Court of November 26, 1865, of part of the lands of Glenroadmore, containing 16a. 0s. 12s., to Mr. Thomas Moohan, that the Right Rev. James Ryan being desirous of erecting a Diocesan College for the benefit of the Roman Catholic Diocese of Killaloe had purchased the lands from Thomas Moohan for £1,900. The trust is to hold the premises as building ground for the Diocesan College of the Roman Catholic Diocese of Killaloe, and for such other uses, trusts, and purposes relating to said Diocesan College, and the education therein of the people of the Roman Catholic Diocese of Killaloe as may hereafter be declared by the said Right Rev. James Ryan by any deed or deeds. Has there been any further deed declaring the trusts of the College?—No further deed.

1224. On the face of the deed the college is exempt from our jurisdiction. Do you desire to give us any evidence?—Yes, my lord, I submitted a query sheet to the Commission; about last Christmas I prepared it, and I wish now to put it in as correct.

1225. When was the present college opened?—August, 1881.

1226. Were the buildings completed at that time?—Yes, practically. Some works were to be completed in the ground, and the play hall was to be erected, but the college itself was completed.

1227. What accommodation have you in the college?—Eighty single bedrooms, two dormitories that would accommodate thirty-five or forty each; a very large schoolroom that would very easily accommodate 100 boys at study, and in case of necessity 120 or 140, and there are five very commodious class rooms.

1228. Rev. Dr. MOLLOY.—What accommodation have you for boarders, and what accommodation for day boys?—We could accommodate 150 boarders, and in addition we could receive day boys.

1229. How many day boys in addition to the boarders?—I should say another hundred.

1230. Lord Justice FITZGERSON.—What accommodation have you for the teaching staff?—Two very commodious sets of apartments for the president and vice-president, and the remainder of the teaching staff are accommodated in the ordinary rooms; they take one room as a sitting room, and another room as a bedroom.

1231. What was the cost of the whole building?—It was erected by public subscription, and the full amount was £20,577 11s. 10d.

1232. Was all that expended upon the building?—All that, and some money in addition, a few hundred pounds that came in afterwards, but that was the amount that was published in the list in the *Freeman's Journal* of November 7, 1881.

1233. Rev. Dr. MOLLOY.—Can you say roughly now how much has been expended?—Roughly, about £21,000, and that money was given by public subscription. The Coadjutor Bishop subscribed £5,200, the priests of the diocese subscribed £12,071 11s. 10d.

\* Appendix B. No. VI. (4) and (5), pp. 493-494.

and there was one diocesan collection and the lady subscribed £2,250 St. Val.

1234. Lord Justice FRANKLIN.—Then the whole of the money was raised in the diocese itself from the bishop, priests, and lady?—Yes, not a single penny came from outside.

1235. Were you able to invest any funds for the maintenance of the college?—Not a penny.

1236. Then the entire money is represented by the buildings?—Yes.

1237. Is the purchase-money included?—It is.

1238. Since you opened the building what has been the number of your pupils?—During 1879 and 1880, boarders 48, day boys 58; 1881-82, boarders 62, day scholars 83; 1883-84, boarders 61, day scholars 67; 1884-85, boarders 52, day scholars 70.

1239. Now, give us the numbers at the present date?—At this season of the year our numbers are not quite full.

1240. Give us your numbers for 1886?—Last year 48 boarders and 67 day boys.

1241. What fee is paid by the boarders?—£50.

1242. Did all pay £50 or were any free?—There was no boarder free, there was some slight reduction made in some cases.

1243. In connection with the college are there any houses or funds available to assist pupils?—There is no house or fund available in connection with the college, except the fees paid by the boys, and some small fund we get from the Intermediate Board. The lands connected with the college bring a small sum yearly; the principal parts of the lands are used as playgrounds for the boys, but some hay and grazing is taken off the lands notwithstanding that they have been used as playgrounds, that brings from £15 to £20. We have been left a small bequest of land as part of our resources by Miss Leary (copy will produced), containing devise of "the Haven field" with the following condition—"I direct that as an equivalent for the bequest of the Haven field there shall be educated as day pupils, free, two poor deserving boys to be selected by the President yearly."

1244. What was the value of the field?—It was not very much. Miss Leary was under a misapprehension as to the quantity of land she held; part of what she wished to bequeath was only a tenancy, and the quantity of land that came to us was only about three Irish acres; we have that now in addition to the three acres.

1245. And in return you are obliged to educate two free pupils?—Yes.

1246. Is that the only property you have?—Yes.

1247. What are the day boys' fees?—£5 for day boys who are learning classics, and £4 for day boys who are not learning classics, per annum.

1248. Are all the day boys paying?—There are two boys free on the Leary bequest, and there are some other boys free. It is not known that they are free, but they are admitted because they find a difficulty in paying, it is simply a matter of generosity.

1249. Are the day boys all from Ennis or the neighbourhood?—No, they are not, there are some boys who come to lodge in Ennis, and go as day boys to the school.

1250. Where do the boarders come from?—Principally from the Diocese of Kilmore, but we also get a considerable number of pupils from the Diocese of Kildare; it is a small diocese in the north-west of Clare containing two baronies, Burren and Curraneen.

1251. Is there any other Intermediate school in Kilmore or Kildare?—There is no other Catholic Grammar School.

1252. Rev. Dr. MULLER.—Do you get any boys from Galway?—We get a considerable number of boys from the portion corresponding with the Diocese of Kilmore, about Gort and Curraneen, which is really the portion of Galway connected with Clare.

1253. Lord Justice FRANKLIN.—What is the course of education?—We follow the intermediate

programme in the great bulk of the school; then we have a number of boys preparing for the various professional examinations—some preparing for solicitors examinations, some for the College of Surgeons, and some for the matriculation of the Royal University, but those are not constant classes. When boys require to be prepared for examinations we form a class for them.

1254. Have you any pupils preparing for the Royal University matriculation?—Not very many. Last year we had one boy who read his first year's University course, and passed in June, he has left us now, and gone to professional studies.

1255. Where does he pursue those?—I don't know where he has gone.

1256. Dr. TRAILL.—How many of your boys learn Greek?—Practically all our boys learn Greek.

1257. Rev. Dr. MULLER.—In 1882-83 there were eighty-seven learning Greek, in 1883-84 there were eighty-six, in 1884-85 there were seventy-four?—Yes, those numbers are correct.

1258. Lord Justice FRANKLIN.—Almost all your boys learn mathematics?—Almost all.

1259. You have a small number learning physical and natural science?—A very small number, merely when it is necessary to pass an examination, as it is, for the Royal University, and at present for the College of Surgeons.

1260. What appliances have you got for these subjects?—I may say none.

1261. I understood you to say you have no funds with which to provide them except the fees of the boys?—No funds.

1262. How many are engaged in teaching?—We have five resident teachers, four priests, and one layman, and we have one teacher, not resident, for music and singing.

1263. What branch is taken by the laymen?—Principally English and mathematics.

1264. Does each of the four clerical gentlemen take a separate class or a separate subject?—Mainly a separate class.

1265. How do you dispose of the fees?—We divide them amongst ourselves.

1266. Rev. Dr. MULLER.—They go chiefly to the maintenance of the College?—Exclusively, and of course we have to pay rates and taxes, and sometimes repairs of the College.

1267. Lord Justice FRANKLIN.—I see in 1882-83 you received £28 6s. 6d., in 1884-85 you received £34 2s. 4d., in 1885-86 you received £45 13s. 6d. in results fees from the Intermediate examinations?—Yes, my lord.

1268. Do you know what your amount will be this year?—It will be about £28, but I should point out the figures have been very varied—one year we got £128, last year we got £75 16s. 6d., the fluctuation is not attributable to any change in the school, but to changes in the rules of the Intermediate Board. The Board has only a fixed sum of money to distribute, and the numbers presenting themselves for examination vary from year to year, and as the fund is fixed the Board has to cut down its fees if a large number present themselves. If a small number present themselves the Board can raise its fees.

1269. Dr. TRAILL.—So that the more pupils the schools send in the less money they will get?—The more the country sends in. And the expense of examination is constantly varying too; the larger the number, the greater the expense of examination, and, therefore, the less will be the balance to be divided among the schools, and if a sufficiently large number presented themselves for examination you would not have a penny to give to the boys.

1270. It may make the amount less to each boy, but it would not make the results less to the College?—It will necessarily make the amount less to the colleges too, for at present the examinations cost £7,000 odd, and the administration costs between £3,000 and £4,000, so that is £11,000.

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Rev. Donk  
Kelly.

1271. I thought you said the results fees were a constant quantity?—Oh, no, they are constantly changing. In 1886 the examinations cost £7,601 19s. 1d., and the administration cost £3,073, that is roughly £11,000 for the working expenses, that left about £23,000 to be divided among the schools in result fees, and the profits in exhibitions and prizes. Then if the number to be examined increases the expenses of examination and administration must be subtracted from the amount given to the boys and to the teachers.

1272. Rev. Dr. MOLLAT.—And that deduction principally falls on the result fees and not on the prizes?—Yes.

1273.—Lord Justice FRASER.—To what do you attribute the decline in the number of your boarders?—When we opened the new college in 1881 there was a considerable rush of boarders, our number of day boys had been much larger before that, and our number of boarders smaller; the average number of boarders in the college during the twenty-one or twenty-two years of its existence would be about forty-five or forty-six, but immediately after the opening of the new college there was a rush of boarders, several of those who had been day boys became boarders, therefore the number of boarders became artificially high, and the number of day boys declined, so that the number forty-three is not so much below the average.

1274. Do you consider the number forty-three or thereabouts represents the normal number that would require instruction as boarders?—Not the number that would require it, but the number that could afford to pay for it.

1275. Rev. Dr. MOLLAT.—Was the number that could afford to pay reduced by the depression of the times?—The number of day boys has been far more reduced than that of boarders, because the total numbers have gone down and the change in the times is the sole cause of the decline in the number of day boys.

1276. Lord Justice FRASER.—Do you think the decline in the times would affect day boys paying £6 a year in the same proportion as it would affect boarders paying £30?—It has affected them.

1277. Dr. TRAILL.—The day boys have not been affected as much as the boarders?—Much more.

1278. Not during the last five years?—But the number of boarders during the years you have in the return was abnormally large, and the number of day boys was rather small.

1279. In 1880 you had ninety-eight day boys, and in 1882 and 1883 you had only sixty-three?—Yes.

1280. Rev. Dr. MOLLAT.—If the times were better do you think some of the day boys would come to you as boarders?—Not, I think, of our present day boys.

1281. From what distance do your present day boys come?—Chiefly from the town of Ennis, and from a radius of about four miles around the town; they drive in, some walk and some drive.

1282. About what proportion come from the country parish?—The day boys who come from their own homes in a circuit around town, and those day boys who come from a distant part of the country and lodge in town, are about half the whole number of day boys.

1283. Lord Justice FRASER.—How do the age limits of the Intermediate Board affect you?—They press very heavily upon us. At the last examination of the Intermediate Board in June, in the senior grade we had sixteen boys (I mentioned eighteen in the return, but two left before the examinations, one of them became clerk of a union in the county), of the sixteen boys there was only one boy under eighteen years of age. Then in the middle grade there were twenty-two boys, and only five of them were under seventeen years of age; and in the junior grade we had two divisions making altogether thirty boys, of those there were only eleven under the limit of age; thus in the three grades we had sixty-eight boys all of whom had read the full course for the Intermediate in classics, mathematics, French, and English, except a couple of

boys who had not read Greek, and we were only able to present seventeen out of three. Of those seventeen candidates, fifteen passed the examination; two obtained exhibitions; two retained exhibitions previously obtained; and four won prizes.

1284. The age limit prevented you in the other cases?—Yes.

1285. Professor DOUGHERTY.—How do you account for so many of your boys leaving over the age limit?—They come to school late in life. We get some boys who come to a grammar school for the first time at seventeen and even eighteen.

1286. Why is that?—The reason is that Ireland is poor and the people cannot afford to make education a luxury, they try to get the necessities of intellectual life as cheaply as they can, and they find that the cheapest way is to keep the children in the various districts in the primary schools until they have acquired a competent knowledge of English and Mathematics, and then about fifteen or perhaps sixteen they send them to the grammar school, and when they come to the grammar school they devote themselves almost exclusively to the study of Classics and French, and perhaps a little History and Literature, and in that way they get through their grammar school course in a very short time.

1287. Lord Justice FRASER.—Must not that have a tendency to correct itself; it is not in the end a very wasteful way to keep the expensive part of the education until the boy has reached a time of life when, if he had begun a little sooner, he would have been able to help himself?—I don't think that is so. There is very little use in a boy going to professional studies until he is seventeen years of age, and if that boy is sent to school at twelve he has to spend five years at the grammar school, and that will cost £150 if he is a boarder.

1288. Dr. MOLLAT.—Suppose he brought up a much primary knowledge at twelve as he now brings up at sixteen, why should he retain five years in the grammar school?—I will just explain: the usual system that we have found in this county is this, the best boys come about fifteen or sixteen to the grammar school, they have already got a primary knowledge of English and Mathematics. Then a very large number of them get through their grammar school work in two years, and they go to their professional studies at seventeen or eighteen, and then they have their professions at twenty-three.

1289. I understand perfectly well that this is the system they follow, but I don't understand that it is a good system?—I don't hold that it is a good system, on the contrary.

1290. And I cannot see that it is an economical system?—I differ with you there, I think it is economical.

1291. Lord Justice FRASER.—I suppose the amount of classical knowledge they require to qualify themselves for commanding their professional studies is not very great?—You have some idea of it in the programme of the College of Surgeons.

1292. Lord Justice FRASER.—For the preliminary solicitors' examination Latin is compulsory also?—Yes.

1293. Dr. MOLLAT.—Up to the time they finish their grammar school education they have not been in a position to earn any money for themselves or their families?—No.

1294. Would it not be more economical if they finished their grammar school education at seventeen than to begin it at seventeen?—It may not. I will give you an instance. There is a certain dispensary doctor in this county who came to school in his sixteenth year, he remained three years at school, and he went then to his professional studies; he took out the degree of the Royal University in four years, being then in his twenty-third year. Soon afterwards the dispensary which he now holds was about to become vacant, and there was much anxiety as to

part of himself and his friends as to whether he should have completed the required age. In point of fact he was just in the nick of time the age prescribed by the rules of the Local Government Board. It would have been useless for him to have had his profession two years before, and therefore if he had gone to the grammar school at twelve instead of sixteen he would have had to pay for four years longer at school, and would not have been able to earn anything for himself until he was twenty-three.

1295. And is the case also true in the case of a scholar?—Yes, practically, or in the Church he could not become a clergyman.

1296. Professor DOUGHERTY.—Is seventeen, not a very late age to begin a grammar school education?—I quite admit that, and I admit the custom is a bad one, but I think a system of education should suit itself to the conditions of the country, and it would be silly to try to suit the conditions of the country to a system of education.

1297. Rev. Dr. MOLLOY.—And do you hold it is desirable for a man who intends to become a doctor to keep back his grammar school education until he is sixteen or seventeen years of age?—I hold it inadvisable, but the people find it economical.

1298. No, the people think it economical?—Well, it is the same thing.

1299. Lord Justice FRERESON.—Is there any tendency to right that since the introduction of the Intermediate system?—Not the slightest.

1300. A clever boy who can come up to the average of one in ten gets an exhibition of £20 a year, at least, for his education—does not that attract boys to study sooner?—I have known it to attract three or four perhaps, not more, and I believe for the future it will have less power, because the Intermediate system has been losing its novelty, and there is not as much curiosity or anxiety about it as in the earlier years.

1301. Do not the bulk of your boys, who are within the age, still go to the Intermediate examinations?—All who are within the age go, and we make a great effort even to bring in those who are not.

1302. Rev. Dr. MOLLOY.—And if they win exhibitions under this economical system they are not paid, because they are beyond the age?—They are not paid, and three-fourths of them are excluded altogether.

1303. Is not that an argument against your system?—After all, the chances of getting an exhibition are rather small, and if one boy succeeds in getting an exhibition, and thus lessening the expense of his education, what about the nine who don't succeed, and who have been at the expense of education since the age of twelve.

1304. Dr. TRAILL.—I suppose if the boy had to pay for his own education, and then realize the money afterwards, it would be economical to go in earlier?—Yes.

1305. Lord Justice FRERESON.—Is there any prospect of an increase of students in your college?—It will depend on the state of the times, if the times improved there would be a very great and rapid increase indeed.

1306. What is the largest number you ever had?—I wish to present a list, during the twenty-one years that the college was opened 999 boys passed through it.

1307. How do you account for the larger falling off in boys paying £4 than in boarders paying £30?—A great many boys from the town went to the college to get somewhat a higher education than they could get in the primary schools in the town. Though they did not intend to turn their grammar school education to any particular purpose—such as the taking out of a profession—yet, as long as the times were good, a large number of boys went to the college to get something of a better education. That class of boys were generally day boys from the town and neighbourhood. In the bad times those boys are not prepared to pay for what I may call an accomplishment, and they have fallen off, whereas the boarders are mainly boys that come for the purpose of taking out a pro-

fession; they have a definite purpose before them, and their number has not been so much affected. You will remember, on the—Appendix B, No. VI. (c)—that I held in, that the numbers commenced to increase about 1871 and 1872.

1308. They rise then very rapidly for two years, and remain steady for six or seven?—Everyone knows that the times from 1871 to 1878 were exceedingly good, and during all that period the numbers were very high. In 1879 we had a sort of famine in Ireland, and the numbers suddenly fell twenty. Then we had a period of depression from 1880 to 1885; the times were not exactly bad times, but they were dull times, and during those years the numbers were steady, about 125 or 128, and the years 1889 and 1893 have been particularly bad years. I remember the Corcoran Commission stated that beginning January, 1893, there was a drop of 15 per cent. on the price of produce as compared with the previous years from 1879 to 1886.

1309. You have had a reduction of 30 per cent. in your numbers since 1879?—Yes.

1310. Professor DOUGHERTY.—Are your boys mostly the sons of farmers?—The sons of farmers, shopkeepers, and the sons of some professional gentlemen. The greater number, however, of the boarders are the sons of farmers; half the day boys would be the sons of shopkeepers and professional gentlemen about the town of Ennis.

1311. Dr. TRAILL.—When you say 1886 and 1887 are very bad years, do you mean in prices or produce?—I mean prices.

1312. Was not the produce very large?—No; the produce of butter was reduced to almost half—so I am told. I am not a farmer, but the quantity of butter, on account of the excessive heat in the summer, and the very small quantity of grass, was reduced.

1313. Do you depend mostly on butter and cattle in this country?—Yes.

1314. Rev. Dr. MOLLOY.—The falling off in numbers corresponds with the depression of the times?—Certainly, and if the times improve our school is sure to go up again.

1315. Lord Justice FRERESON.—At the best times, your maximum number appears to have been under 1000? The numbers I have given there are averages; it is not the highest number that was actually in the school. I have brought the roll book of the college. I should say also that during these good years the school was conducted in the old college, and the accommodation was quite sufficient for those large numbers. I remember Dr. Ryan having refused to take in boys from the want of accommodation, and I think with the present college, if you had the times as good as they were then, we might safely count on 200.

1316. What has become of the old college?—It was a rented house, and has been taken up by a merchant and converted into a private residence.

1317. Where was it?—On the Mill road, near the County Infirmary.

1318. Rev. Dr. MOLLOY.—Previous to coming here, your boys are educated chiefly at the National schools?—At the National schools and the Christian Brothers'.

1319. At about what age do they go to those schools?—About six years of age.

1320. Do they stay there from six to sixteen?—I think they remain permanently, or partly regularly, at school, between six and thirteen.

1321. Is there an interval between the time they finish their primary education and the time they come to you?—There is an interval. They are not going to school regularly, and there is a sort of interval before they go to us.

1322. Professor DOUGHERTY.—You think their coming to the Grammar School is not an afterthought with most of them?—No, it is not.

1323. Dr. TRAILL.—And in that interval their parents require them at home?—Well, they are sup-

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Rev. Denis Kelly.

Oct. 17, 1887.

Rev. Denis  
Kelly.

posed to be going to school. I quite disapprove of that system, and wish we could remedy it, but I don't see any hope of remedying it, unless Ireland grows wealthy.

1324. Rev. Dr. MOLLOY.—It seems to be founded on the same principle on which some farmers leave the hay out in the fields for two months before they draw it home—I don't think so; they save money by it. In the case of the dispensary doctor, if he went to school at eleven years of age his education would have cost him a good deal more.

1325. Would he have been more expensive to his parents if his education was finished at twenty-one instead of twenty-three?—They don't think it suitable to have a professional gentleman roving about at home without an appointment, losing his time.

1326. Professor DONAGHY.—He need not have lost his time, though he might not have been eligible for a dispensary appointment, which after all is not a very great thing—Oh, I don't agree with the system.

1327. Lord Justice FRYNGROVE.—If there was any aid available for a college such as yours, how do you think it could be most usefully applied, whether to free places, to additional teaching staff, or to additional appliances?—I think it could most usefully be applied to the maintenance of the college that exists, in the way of teaching staff and appliances for educational purposes.

1328. What are the greatest wants as regards your teaching staff?—It is very hard to maintain our teaching staff at present, and if the present times continue it will be impossible to do so on the feet of the boys. And then our educational appliances are very imperfect, especially appliances connected with natural science.

1329. If money was distributed in proportion to the work done, what test could you suggest as being fair to your colleges?—I could give you some information on the work it has done.

1330. How would you propose to establish your claim compared with that of other educational institutions, if paid by results—in other words how would you propose to assess the Intermediate Education test so as to make it in your opinion just to yourselves?—I understand you to say that it is not now just to you owing to the matter of age?—I would draw a very sharp line of distinction between boys who wished to gain scholarships and prizes in any system of education, and those who merely wished to stand the examination and bring results home. I think for the purpose of scholarships and prizes and exhibitions there ought to be limits of age, for it would be unfair to allow young boys to have older and more experienced boys competing against them. But for the purpose of standing examinations and bringing results home to the teachers there ought to be no limit of age, and I think that the Intermediate System is quite inconsistent with the other systems of education in the country. In the primary system of education the National Board never inquires about the age of the pupils presented for the results examination, and it pays the teacher for teaching them whatever age they may be.

1331. Rev. Dr. MOLLOY.—You would propose that the results fees of the Intermediate Board should be paid according to the number educated, irrespective of age?—Yes.

1332. But you agree that there should be a limit of age for boys going up for exhibitions and prizes?—Yes. And in the universities I have not heard that there is an age limit with regard to entering the University and being taught there. I know there is a limit of age with regard to scholarships, but the professors will receive fees for teaching young men whatever their age may be, and I think it is unfair in the Intermediate System that the teachers should get nothing for teaching boys because they happen to be over the age.

1333. Lord Justice FRYNGROVE.—In the subjects and methods of conducting examinations is the Intermediate Examination a fair test of the work done?—I regard the examinations as fairly conducted, and I also consider the Intermediate System as improving the condition of the country, it has set up a system where there was no system before, and it has given some sort of standard by which people could go whereas up to that a very great number of schools had no standard to go by, and every school was following its own course. But when I have said that I am not a very great admirer of the system. Though the Act has done good, the system it has introduced is a bad system. I think a system of education conducted altogether by written examinations leads to teaching of a very defective kind. The great object of all our teaching is merely to get a certain amount of knowledge into the heads of the boys, and the training of pupils—the disciplined mind—is very much neglected I fear. I know for my own part I would not consider myself conscientiously justified in teaching my class in the method which would bring the highest results in the Intermediate Examinations.

1334. Dr. THOMAS.—Cramming in fact?—I would not consider myself justified and I never do so teach.

1335. Do you think the short course is suitable to the boys in the higher grade for instance?—The ending in our College was much more extensive before the introduction of the Intermediate system in all the grades, but I don't think the shortness of the course is the worst feature. I think the fact that you have only written examinations and that the teaching becomes largely mechanical is the worst.

1336. How would you remedy that?—to have oral examinations of four or five thousand boys, all over the country would be difficult, they ought to be examined equally?—I would be glad if there could be some corrective applied, if the Commission could distribute its funds by inspection it would be a sort of corrective to the Intermediate.

1337. Lord Justice FRYNGROVE.—I wish you would tell us what the Commission's funds are—I hoped they would be very large. I think I am to the end of the report of the Commission of 1838 that there was something like £200,000 in the endowments of the country, and I hoped the Commission would have a very large share of that.

1338. Rev. Dr. MOLLOY.—Did you read the last paragraph of our report of last year?—I did, and it was very discouraging.

1339. Lord Justice FRYNGROVE.—We found about the whole of that £200,000 was tied down by the will of the people who gave the property, and of course it went to nonbenefit as they intended.

1340. Have you absolutely no help to maintain your staff except the fees from the boys?—We have a little endowment in that way, one of our priests is stipendiary to a convent and we get £50 from the convent and that helps.

1341. Helps to enable him to teach in the College, but that is not so endowment for teaching. Have you got any of your classes in connection with the Science and Art Department?—No.

1342. Why is that?—It does not fall in exactly with our system, the great bulk of the boys want to prepare for professional examinations, and they have to devote most of their attention to classical and French, and subjects that they require at their professional examinations, they don't have time to devote to drawing and the things that are of most importance with the Science and Art Department.

1343. There is a Science and Art Department for chemistry and science in connection with agricultural and engineering subjects?—We have some boys that go on for engineering, but I don't know that we could have a sufficient number to make it worth our while to establish classes for the purpose.

1344. Do you find any demand in the neighbour-

had for instruction in the science of agriculture!—None.

1343. Is that because the agriculture in the surrounding district is perfect, or the people think it so?—We have very little agriculture here, we have so much rock.

1344. Rev. Dr. MOUNT.—I think you have conveyed to me that the bulk of your students are at a professional career?—Perhaps the majority, at least a large number of them do, but we have a considerable number who go to business, and a considerable number of the sons of the better class of farmers come to school, simply to get a better education than they get in the primary school.

1345. Something more than half go to a professional career, the rest to commerce and farming?—Yes.

1346. Lord Justice FRYGEMAN.—I have mentioned that except with your own consent our Act of Parliament does not apply to your College, you could not be in better hands than I am you are, in Mr. McManus's, about your legal affairs, and it will be for your Bishop and trustees to take advice whether they should form an incorporated body to hold your property; if you wish we shall be glad to help you.

1347. Witness.—I would wish to make a short statement connected with the work we have done. Our former pupils occupy a very large number of public positions already in the county, and other parts of the country, and when you remember the school is only in existence twenty-one years and that they had to go through their professional course it is surprising the number of positions they hold. In the town of Kinsale four of the solicitors are our pupils, and one of the solicitors of Nenagh, who is also coroner of North Tipperary, a solicitor in Roscrea, a solicitor in Brier, and others in distant places. The medical officer of the Kinsale workhouse, and of the Greenbank district, the medical officer of the Kilmish workhouse, the dispensary doctor of Milltown Malvey, of Killybegan, and of Gredon are our pupils. In that part of Galway to which our influence extends we have the dispensary doctor of Bort; and a pupil of ours, who is a native of Gort, is at present conducting the dispensary of Oumacree. In Tipperary the dispensary doctor of Nenagh is a pupil of ours, and also a young man at present conducting the Silvermines dispensary. A very large number of our pupils are doctors in the army. From the town of Kinsale alone, four of our boys are doctors in the army, a doctor in Australia, in India, in the merchant navy, two in London, one in Dublin, and two or three others that I know are doctors, but I have not been able to follow their history, one was the son of a county inspector that was here some years ago. We have two landowners only, but we will very soon have a third. In the Island Revenue we have a large number, I think there are some fourteen or fifteen from the town of Kinsale.

1348. These take their appointments by competitive examination?—Yes, there are not very many local county appointments but such as there are, such as poor law clerks, poor rate collectors, and railway clerks, they are almost all filled by pupils of ours. From that then I would argue that we have the whole education of a large district under our control. There is no other Catholic Grammar school in the district, and I would wish to draw your attention to the size of the district. There is no other grammar school in the

county Clare except the Erasmus Smith School, and the diocese of Killaloe extends also over all North Tipperary and two and a half baronies of King's County. The whole area of Killaloe is 1,073,059 acres, that is one-nineteenth of the whole of Ireland. Besides, as I remarked a while ago, the boys from the little diocese of Killybegan are educated exclusively by us, and also from a portion of Galway. But even omitting this portion of Galway and merely adding Burren and Corcomroe, the sphere of our action is one-seventeenth of the whole country territorially. Then with regard to population, the Catholic population of Clare is 138,908 and the population of all other denominations is 2,940, that is 97·9 per cent. are Catholics and only 2·1 are of all other denominations; and taking it from three times in the decade between 1871 and 1881 the decrease on the Catholic population was four per cent., and the decrease in the Protestant Episcopalian was eleven per cent., and the decrease upon other denominations was still greater, and from that I argue there is no chance of a school of any denomination getting on in Clare except a Catholic school. More than one-seventh of the population is generally at school. The Catholics have over 20,000 school children in the county Clare alone, and according to the one-seventh the Protestant population could not have more than 400. From the census it was 21,800 children that were at school in 1881. I may assume that half were boys, so that we would have in Clare 10,000 boys to select from, and a school of any other denomination could not have more than 300 boys to select from. The population of Kinsale is 6,307. The Catholic population is 5,988, and the Protestant population, 319, and therefore you see that we have great local work to do, and I see certain gentlemen in the room, who would be able to speak about the local work we have done. The number of young men, whose we have lauded in life, and the number of families from which five or six boys have all got into professions directly from our school is simply surprising. I see a gentleman in the room; he is one of five brothers, the eldest is the manager of a bank, the second is a doctor in the army, who has gone through his service in India, the third is a solicitor, and there are two others who went into the bank.

1349. Lord Justice FRYGEMAN.—There were all pupils of yours?—All passed their examinations directly from us. There are two or three merchants in town who have had similar experiences; the gentleman whose name is to this document has two sons doctors, a son a solicitor, and a son in a Theological College in Rome, and all passed directly from us. I could mention several families similar to that, so large we have been doing great local work. The population of Killaloe outside Clare is 50,000, so that altogether the population of the area in which our influence extends is 200,000, that would be one-twenty-fifth of the population of the whole country. I wish to bring those facts before the Commission, because I hold that it is of great importance to have a good staff and efficient appliances in a school of that size.

1350. Rev. Dr. MOUNT.—I suppose the logical conclusion is that you have a fair claim to about one-twenty-fifth of all the endowments in Ireland?—I hold that follows logically, and I am quite prepared to go the whole length of my logic.

Oct. 13, 1888.  
Rev. Dr. MOUNT.  
Killybegan.

Oct. 15, 1887.

## \*ERASMUS SMITH'S GRAMMAR SCHOOL.—ENNIS.

*Richard R. Flynn examined.*Richard R.  
Flynn.

1333. Lord Justice FLEMING.—How long have you been head master of Erasmus Smith's School here?  
—Since February, 1879.

1334. You came from Dumdalk?—From a school at Dumdalk, endowed by Lord Roden.

1335. When you came to Ennis what was the condition of the college?—A very low state indeed. I had exactly ten boarders from this part of the world, and I brought thirty boarders with me from Dumdalk, and I had about 13 day boys.

1336. That would make a school altogether of fifty-three?—Yes, between fifty and sixty.

1337. What have the numbers been since you came?—They have fallen off gradually.

1338. What are the present numbers?—Eleven boarders, and fifteen day boys. The number of day boys remained thirteen for two or three years, then it went up to fifteen, last year it was eighteen or nineteen, it is now fifteen.

1339. Is the school substantially steady?—Yes, rather on an ascending scale.

1340. To what do you attribute the falling off of the boarders?—The most salient cause is the general depression in the country, and there is also the competition of English schools, and I think the disturbed state of the country has something to do with it, people at a distance where I had a connection, in the North especially, seem to be very much affected by the disturbed state of the country, and are, many of them, positively afraid to send their sons to this country. I know that.

1341. Where did your original boarders come from?—The majority from towards the North, in Dumdalk, I had a very fair Northern connection, and I had a fair contingent from Dublin too. I had one boy from Limerick in Dumdalk.

1342. What are the localities from which your present boarders come?—Three come from the Co. Kerry, I have only one at present from the Co. Clare, I have three from Dublin, and one from Roscommon, Co. Down, and one boy has been with us for a long time, his father is in India, and another boy has been with me since he was seven years of age, his father is dead. I have also one from Limerick.

1343. What are your terms for boarders?—Fifty guineas a year.

1344. Do they all pay at that rate?—They are supposed to do so, but all do not. In some cases I thought it fair to make a reduction of late years, because of the general depression in the country, and things have got cheaper too, I did make a slight reduction.

1345. How are your fees regulated?—By myself.

1346. Do the Board exercise any control over the amount of fees you charge?—None whatever.

1347. What fees are charged to the day boys?—From £19 to £6 a year. I charge £5 for English and Mathematics, and for French, Latin or Greek, £3 each extra.

1348. In the case of the day boys, do the Board fix the fees?—No, not in the case of any of the boys.

1349. Then what control is exercised by the Board as regards the pupils and the terms on which they are received?—I am under no control from the Board, except that the School is inspected twice a year by the Rev. T. T. O'Gry, Fellow of Trinity College.

1350. What about the buildings?—They generally keep the buildings in order themselves.

1351. Have they been making any expenditure upon the buildings recently?—They have.

1352. To what extent?—I don't know what the extent is, but they have expended a good deal of money lately on general repairs and improvements.

1353. What has been done for the expenditure?—The place has been put into general repair; they have introduced the water from the town into the College, and they have made new lavatories, and everything that way, and they have constructed a gallery from the private house into the dormitories, there are the principal improvements I think. They have also overhauled the drainage completely.

1354. Then there has been a large outlay on the buildings?—Yes.

1355. About what number of boarders could you take in?—At least seventy.

1356. And of day boys?—I should say certainly very many more day boys than I am ever likely to get. There are two excellent classrooms, and another room that could be converted into a classroom if necessary. The whole place would accommodate 100 boys.

1357. Then if you got seventy boarders you could accommodate thirty day boys?—Yes.

1358. Is there any other school in the neighbourhood open for the instruction of Protestants?—There is no school nearer than Limerick that I know of.

1359. They told us in Limerick they had reached of this class at all there?—There is Galway and Tipperary.

1360. They are at long distances?—Yes.

1361. Dr. TUNNICLIFFE.—How many free boys do you take for the endowment?—I did not say I took any.

1362. Are you not at liberty to take free boys?—That is in the hands of the Board. I can only apply to them to take in a free boy; they require me to send in the name of any boy who may wish to be admitted into the school as a free boy.

1363. Have you any free boys?—Not at present.

1364. Have you had any since you came?—Yes.

1365. How many in any one year?—Never more than three, I think.

1366. Did any apply to you for free places that you refused?—There was only one that I remember, but it was not I refused him, it was the Board.

1367. To what class in life do the boys belong?—They run mainly all of the upper classes, I mean the professional classes.

1368. Are there any commercial men or men in trade, shopkeepers in Ennis, who send their sons to your school?—There is only one at present, that I remember.

1369. This professional class of the neighbourhood would be the solicitors, doctors, and clergies?—Yes.

1370. Have you any elegiacs of any kind?—I have.

1371. Lord Justice NAULT.—Does the Board make you any money grant?—There is an endowment of £250 £100 is allowed for me, it is supposed to be my salary, and then there is £100 allowed for an assistant master, it is practically £200 for I must have assistant masters.

1372. Lord Justice FLEMING.—You receive from the Board £250 in cash, you have the premises, and they are kept in repair, that is the amount of benefit you derive from the Erasmus Smith endowment?—It is.

1373. What staff of masters do you keep?—I generally keep about three masters; at present I have only two resident masters.

1374. What branches do they teach?—One teaches classics, and the other teaches modern languages.

1375. Who gives instruction in science?—I myself.

1376. Have you any teaching of natural philosophy?—Yes. If you mean experimental philosophy, we have none, it is merely the outlines of natural philosophy that we teach.

1377. Have you any appliances for teaching Natural Science?—No, none at all.

Oct. 12, 1887.  
Michael H.  
Finn.

1398. Have you ever had 1—I have never had.  
1399. For what are your boys preparing themselves?  
—Almost all for professional pursuits.  
1400. Do you send them into the Intermediate examinations?—Yes, I send some boys in.  
1401. What number did you send in last year?—I think I sent in eight.  
1402. What were their results?—I am not perfectly certain whether five or six passed, certainly five passed, but I really am not perfectly sure.  
1403. Had you any exhibitions or prizes within the last few years?—Yes, we had—not many, but we got two exhibitions within the last four years I think, and we got two £10 prizes, and several other prizes, there was one medal.  
1404. In what subject?—Modern languages.  
1405. Modern languages taught by the assistant master?—Yes.  
1406. Do your boys as a rule go to the university?—A good proportion of them.  
1407. To the Royal University or Trinity College?—Trinity College.  
1408. Had you any boys who distinguished themselves there?—Oh, yes. Two boys of mine got first place at the October entrance at Trinity since I came here, and one of them also got second junior exhibition, and first senior exhibition, and first honours in three different subjects, third mathematical scholarship, and third gold medal in metaphysics, also first place at the Little-go. The other got first Erasmus Smith's exhibition, first honours in three different subjects, and he got an inspectorship under the National Board a short time ago. He also got first place at the Little-go and the Provost's first prize.  
1409. They say that is the hardest examination in the Civil Service except the Indian?—I think it is.  
1410. What exhibitions are open to boys from Ennis?—What they call the Erasmus Smith's exhibitions are open for competition to boys from this school.  
1411. With whom have they to compete?—With the boys from the other three schools, Drogheda, Tipperary and Galway.  
1412. I suppose you have nothing to do with the management of the endowment beyond receiving £200 a year?—No, I have nothing whatever.  
1413. Do you account with the Board for the assistant master's salaries?—I merely send in a receipt for the amount of the £100 from one of my masters testifying that I have paid to that amount.  
1414. Dr. TRAILL.—You probably pay him more? Oh, yes, I pay a good deal more.  
1415. Lord Justice FRYGIMSON.—Is there any large number of boys from this neighbourhood who ought to take advantage of the endowment—how do you account for there being such a small number of boys?—I account for the small number of day boys by the fact that there are not boys to come, there may be a few more but not many.  
1416. Rev. Dr. MOSELY.—Have you any Catholic boys?—Not at present.  
1417. Is your school open to Catholic boys?—Yes.  
1418. But they don't come?—No; not latterly.  
1419. Professor DOUGHERTY.—Do you think your fees are not considered too high?—I never heard any complaint.  
1420. Lord Justice FRYGIMSON.—Do you know how your fees compare with the fees in flourishing

schools in the North of Ireland, Coleraine, for example?—I don't know very much about that, but I charged almost the same fees in Dundalk, eight guineas, and ten guineas. My lowest charge in Dundalk was eight guineas, but the reason I fixed the charges as they are is that they were just in that state when I came here, when Mr. Whitty had charge.

1421. Professor DOUGHERTY.—You have not thought it necessary, in view of the depression of the times, to make any reductions?—No; because the depression affects me as well as other people.

1422. Rev. Dr. MOSELY.—Practically there are only thirteen or fourteen Protestant boys in the neighbourhood that want the kind of education you give?—I think that number has, fifteen or sixteen would be the average of late years; for the last two or three years the number has been up to seventeen or eighteen, and as far as nineteen and one time.

1423. Lord Justice FRYGIMSON.—The fluctuation between thirteen and eighteen might depend upon the size of the families from time to time?—Oh, yes.

1424. Would a number ranging from thirteen to twenty-five represent, one year with another, the total number of the class of local boys who can avail themselves of your school?—I could not very well say. The consideration of the board is a separate consideration; their number depends very much upon the pecuniary condition of the country. I think the smallness of the number of boarders is principally due to the general depression.

1425. The general depression does not affect the existence of the boys. Where do those boys get their education now, who would, if times were better, come to Ennis school?—I could not answer that question, but I know the numbers have fallen off in most of the Protestant schools.

1426. Dr. TRAILL.—The competition of English schools cuts the other way. If depression was a cause why the boys should not come, the competition of English schools could not be a cause. Would not the tendency of the depression of the times stop parents from sending the boys to England?—I think it has rather increased it, because although some of the English schools are very dear, some are very cheap too. You see advertisements frequently in the English papers from schools charging but £50 a year for boarders.

1427. Professor DOUGHERTY.—We had it in evidence that in the case of the Diocesan College the depression had affected day boys more than boarders, is that your experience?—No; that is not my experience, it has been the other way with me, the number of day boys I have had has increased, but the number of boarders has diminished.

1428. Dr. TRAILL.—But the boarders you brought with you gradually passed out of your hands, and were not replaced from the same places from which they came?—That had a good deal to do with it; they were from the North, and it was a long distance to expect them to come, besides there are so many good schools in the North of Ireland.

1429. What is the highest number of day boys you have had?—I am not certain, I think I had sixteen, and the lowest was about thirteen.

1430. Have you any boys from Limerick?—Yes; but I have only one at present.

1431. Any from Kerry?—I have no boy from Kerry; I have had boys from Kerry though.

Rev. Julius Henry Griffith sworn.

1432. Lord Justice FRYGIMSON.—What position do you occupy with respect to Erasmus Smith's school?—I am rector of the union of parishes, and my family have been, and are being educated at it.

1433. The union of parishes in which the school is

situated?—In which the school is situated, some 37,000 acres.

1434. We have it in evidence that there are at present in the school fifteen day boys and eleven boarders; do you think that represents the full number

Rev. Julius  
Henry Griffith.

Oct. 17, 1875.

Rev. John  
Henry Griffiths.

of boys that ought to get advantages from the endowment?—No; it does not—out of borders.

1403. Of day boys, do you think there is any larger number available in the neighbourhood?—Not of Church of Ireland boys and other Protestant denominations.

1436. To what do you attribute the small number of boarders?—Primarily that some of that rank that used to be educated there send their sons to England on account of the smallness of the fees.

1437. Dr. TRAILL.—Do you mean that the fees are too high for boarders?—They prefer sending them to a place in England where they will get them educated for £35 or £35.

1438. Where will they get a decent education for £35 in England?—I have seen it advertised, and some of my friends sent their sons there.

1439. What report did they give you of the education they could get for themselves in England?—It was not as good as they could get in a school like this.

1440. Rev. Dr. MOLLAY.—Do you know from what source the endowment of this school is derived?—Is it derived from estates situated in this neighbourhood?—I cannot say.

1441. Lord Justice FRYNGMONT.—Can you give us any suggestion to make the school more useful?—Yes, I think I could. I have known one instance of a boy going to another school because there was a small house studentship that he competed for. I believe the boy was at this school as a boarder, and he went there and got that studentship, and that was an inducement to him to go to another school. If there was more endowment for the master, to get efficient masters to assist in the school, and also to establish some house studentships, both for boarders and day boys, it would certainly attract.

1442. But there is an endowment of £300 a year?—But the boys get nothing. If you give a boy a £10 or £12 studentship, who wins it by his answering, many parents would send their boys there.

1443. Dr. TRAILL.—Should the boy get that before he went to the school or afterwards?—Well, I would, in some cases, have it after the boy had been a year there.

1444. Lord Justice FRYNGMONT.—At what age should an exhibition be open to the school?—About twelve years of age.

1445. What should be the value of an exhibition to have the effect of drawing pupils to the school?—About £15 would be the smallest.

1446. That would reduce his fees in the present school from fifty guineas to about £40?—Yes.

1447. Dr. TRAILL.—Would you use the boy's exhibition to reduce the fees for the benefit of the father, or give the money to himself?—In my own case I would not take it. I would give it to the boy.

1448. Lord Justice FRYNGMONT.—In that case the attraction to the father would be nil. Do you think the establishment of such an exhibition would bring any additional number of boys?—I think it would. It would bring out the talents of the boys and give them an inducement to study.

1449. Is there any provision for the education of girls in Bunde?—There is; a lady has a private school.

1450. How many Protestant girls are there wanting intermediate education in the neighbourhood?—I could not exactly say now.

1451. Do you think the governing of a school by a body in Dublin is of any importance with reference to the present state. Would a local governing body have a chance of getting a larger number of boys?—It might, but local committees generally hamper the manager. It may in a certain way make them take a deeper interest in the matter.

1452. Rev. Dr. MOLLAY.—Would it be an advantage or a disadvantage, on the whole, to have it managed by a local committee instead of by the board of Erasmus Smith?—It might, if the committee were judicious

men to work, not with self will, but for the advantage of the school.

1453. Dr. TRAILL.—But if there be only fifteen boys, what would be the advantage of the committee?—But you will draw boys. Many parents would send boys to board in lodgings, and go privately as day boys, if there was some inducement held out to them. There is one boy coming at present from Tulla to reside in this town in order to attend school.

1454. Rev. Dr. MOLLAY.—Do you think endowment in Ireland are sufficiently abundant to enable us to pay boys to come to school?—You don't pay them to come to school; it is as much to encourage their application.

1455. Dr. TRAILL.—For one boy that would get the £12, you think ten boys might try for it?—Yes, and the school would have the advantage.

1456. Professor DOUGHERTY.—What do you think about the scale of fees here?—We would like them lower, of course.

1457. Do you think if the scale of fees was reduced more boys would attend the schools as day boys?—They might, unless they came from distant places.

1458. Lord Justice FRYNGMONT.—Is the education now given of the class the boys want?—Yes; they have gained distinctions in the University.

1459. I believe there was a proposal by the Erasmus Smith board to discontinue Bunde at one time?—There were rumours of it.

1460. If it was discontinued is there any other provision for intermediate education?—No, and perhaps this is the time to put in a resolution (proposed). That was passed at a large meeting of those interested in sending their children and friends to the school.

1461. What is the number of those so interested?—I don't know, I have letters from gentlemen who could not attend, about keeping it up—seventy gentlemen.

1462. Rev. Dr. MOLLAY.—Practically they represent a population that can send from thirteen to eighteen children to the school?—Yes, there are more of the bursar class who do not attend.

1463. Practically from thirteen to eighteen is the number of Protestant children which the locality furnishes for intermediate education?—There would be more who could come perhaps.

1464. Would any of the county gentlemen who are so anxious to keep this school up send their own sons there?—Some of them have, both as boarders and day boys, but some of them that might send them do not send them.

1465. Professor DOUGHERTY.—Were the various Protestant denominations represented at this meeting?—They were, and the school is open to all, Roman Catholics as well as Protestants, and there have been some Roman Catholic boarders at the school since Dr. Fynn came—I don't speak that from my own experience, but from what he has told me—as well as Roman Catholic day boys.

1466. Rev. Dr. MOLLAY.—Agreement there are several. Dr. Fynn.—There are none, but when I came here first there were three Roman Catholic boarders.

1467. Rev. Dr. MOLLAY.—Then considering the large Roman Catholic population and the fact that no Catholic children are there, we may assume the school is not acceptable to the Roman Catholic body.

Dr. Fynn.—It is not.

Rev. Mr. Griffiths.—Our Bishop takes a great interest in the school, he was educated there, and several of our best men have been educated there. I think one thing that tends to the school not having more pupils is that Galway being an elementary school takes it to a certain extent, and Tipperary also.

1468. Professor DOUGHERTY.—Do you mean the Erasmus Smith school in Galway?—It is in connection I believe, with the Erasmus Smith board.

1469. It is not an elementary school?—Well, I am not sure.

1470. Lord Justice FRYNGMONT.—We have got a

\*Resolution sent to me by the chairman of the Town Commissioners (reads resolution).

Dr. Flynn.—I omitted to say that as far as I can see my prospects of having an increase of boarders—a substantial increase—are very good. I expect to have fully double the number of boarders next year, as far as I can judge.

1471. Where do you expect them from?—Several have promised to come to me, one is going from Dandalk, two from Dublin, there is a nephew of an officer out in India, and there are two from Rostrevor, and there are some others that I have a very fair chance of getting.

J. B. Molony, Solicitor, sworn.

1476. Lord Justice Fitzgerald.—Whom do you represent, and what views do you wish to bring before us about the school?—We had a meeting yesterday at which a good number of persons attended, and there were some of us asked to attend here to-day for the purpose of giving any information that the Commission would ask for.

1477. How was the meeting called?—By a circular sent out by Mr. Harris and Mr. Griffith. A good number of the different Protestant denominations attended at the meeting, and they were all anxious that the school should be left open, because there was no other school in Glare for the Protestants to send their children to, and I believe none in Linnetick.

1478. What is your view as to how it could be made more useful than it is at present?—My own view is that considering the depression at the times the school buildings are altogether too large for the wants, and then of course either the Executive Board or the master has to look after the maintenance of the building, and he is supposed to keep a higher class of masters than really can be remunerative to him.

1479. The buildings being there, how do you think they could be utilised?—I have not considered that.

1480. Would there be any possibility of getting money for them if a smaller school was established?—I am afraid, at present, there would not; all property is unsaleable at present.

1481. Is there any demand for such buildings in Ennis?—There is not. The falling off in the school is due to several causes. Dr. Flynn unfortunately succeeded at a time when there had been seasons which occasioned the falling off in the boys, and the depression coming immediately afterwards, has affected the numbers also.

1482. Rev. Dr. Molloy.—There is really no falling off in the school as regards the locality; the number of day boys is about the same as it has always been; the falling off is in boarders who come from a distance?—Not as I remember it long ago.

1483. Lord Justice Fitzgerald.—What was the largest number of day boys you remember?—We had considerably over twenty. I was at the school under the late Dr. King and under Mr. Barnes.

1484. And I believe some very distinguished men were turned out?—One was a very distinguished scholar in Trinity College and in Cambridge, Mr. Mac Collman.

1485. Rev. Dr. Molloy.—Has there been a falling off in the Protestant population since the time you speak of?—I think so. There were more persons holding official positions at that time who were Protestants.

1486. Then does not that account for the falling off in the number of day boys?—Yes.

1487. And the day boys are the only boys from whose education the population of Ennis derive any

1472. You think that the depression in the number of boarders is more or less temporary?—I think so, I never expect the school will rise to any great success, but I believe it will improve.

1473. Professor DOUGHERTY.—Are these all of one denomination?—They are.

1474. Are all your boarders at present members of the same denomination?—Yes, all Church of Ireland.

1475. You have no Presbyterian boarders?—I have one Presbyterian day boy, and I have one Presbyterian boarder from Rostrevor, he is the son of the Presbyterian clergyman there.

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advantage?—There are several country gentlemen who would send their children there.

1488. It appears to me there is no falling off in the school as far as regards the advantage of the Ennis population, because the whole of the population that require this class of education are getting it at present?—They are.

1489. Professor DOUGHERTY.—Do you agree that the number of pupils attending the school practically exhausts the supply of pupils available for such a school?—I don't think it exhausts the supply, but there are a number of others, who, if the fees were lower, might attend.

1490. Have you heard any complaint with regard to the scale of fees?—Personally, I have not, but I think a great number of persons would avail themselves of the school if they were lower.

1491. Do you think the number of pupils would be increased if the fees were the same as at the Diocesan College?—I think they would.

1492. Rev. Dr. Molloy.—Supposing it to remain an Intermediate Middle Class School and the fees to be reduced by one-third, what increase of day boys would that bring to the school?—I don't think it would bring at the outset more than an increase of ten.

1493. Lord Justice Fitzgerald.—Do you think, if the existing buildings were given to local hands to make what they could of the place for education, local management would bring a larger number of pupils?—I think it would, because there would be local interest taken in it.

1494. Is there any class of education not given in the school at present that could be given so as to bring in a larger class of boys?—I don't think so, but if there was local management it would increase the interest taken in it.

1495. Dr. TRAHAN.—How would that increase the number of boys?—It may induce persons in the county who are sending their children elsewhere to send them to the college.

1496. Lord Justice Fitzgerald.—But for a parent who had to send his son to a boarding school it would make very little difference whether the boarding school was in the county or not?—It would not, but at present the facility for sending boys from country districts is greater, we have now larger railway communication.

1497. I don't understand any large proportion of day boys to come by train, one boy is said to come from Tulla?—There is no railway communication with Tulla, but there is to Corcfin and along that district to Ennistymon and Midgova.

1498. Are there any Protestant families of the gentry or middle class living in that district who would send their sons there?—There are about Corcfin, I know there is one who has had some of his children as boarders at the school, and there are other families in the neighbourhood whose children are growing up.

Dr. Cullen sworn.

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Dr. Cullen.

1499. Lord Justice Fitzgerald.—Can you give us any advice or information about Erasmus Smith's School?—At present I have very little knowledge about the matter, but I wish to direct your attention, for one moment only, to the intention of the founder, which has been departed from very materially, and I think you should have regard to it, that is, that you should provide for technical education and sending out apprentices to be educated as tradesmen, that was one of the principal things intended by the founder, he was a practical man, as I pretend to be myself, and I would suggest that you should take that view of the case.

1500. I suppose you are aware that the Ennis School was not mentioned in the original instruments?—I am aware of that.

1501. We hear a great deal about technical education, but when we come to find out what people mean by it, it is not so easy. What class of education do you think would carry out the founder's intentions and at the same time be accepted by the people?—You might send out boys to learn practical trades; we require a number of tradesmen about here, and they have exceedingly good wages and employment, masons and carpenters, we would require plumbers (for we have a supply of water, and find it difficult to get plumbers), and tailors and smiths.

1502. How would you propose to teach them these trades in the school?—I would have a workshop in connexion with the school, and I would pay for it out of the funds of the Erasmus Smith School, you have those at your disposal, and you are bound to carry out the founder's intentions.

1503. In Limerick where they have an industrial school teaching trades, no later than yesterday I was informed by the manager that they were actually obliged to send the boys to whom they had taught these trades to America, because they could not get into the trades in this country after being taught in those institutions?—I don't think it would be desirable to send boys away, but when they are sent away it would be desirable that they should be enabled to live independently, and send home money to their friends. One of the principal intentions of the founder was to provide education for industrial people, trades people of all classes. As to scientific and classical education, that is abundantly provided for, and the Governors of the Erasmus Smith Schools expend a large sum of money in having English schools teaching English.

1504. They have withdrawn the English School grants wherever they could?—I did not know that, it would be most desirable to divert to other uses the supplies given to those English schools which are quite unnecessary, when we have National schools. Those funds might be diverted to the teaching of trades, and what is now so fashionable, technical education. And you might connect it with the large buildings you have here, and establish a workshop, and in that way it would be useful to the people. I know several tradespeople in this town who earn 6s. a day.

1505. Professor DOUGHERTY.—If you increase the supply of artisans how would that affect the rate of wages?—At present, I think, the wages would not be materially affected, there is so much demand.

1506. Do you think the tradespeople would object with any great fervor, a proposal to establish a school in the town to teach trades which would lead directly to a very great increase in the number of artisans in Ennis?—I think trades might be taught by sending a boy to be resident with a master, you might send him out for £12 or £20 a year, and at the end of two years he would be able to support himself, right well, he would be self-supporting and he would pay the fee which you would have advanced for him, and the master would take him for such an amount of money.

1507. Rev. Dr. MOLLOY.—Would the scholars generally be willing to learn these trades at school here in Ennis?—The present pupils would not, but the children of tradespeople, if you taught them you would find them coming to you and saying, "Send me out to be bound to a carpenter, send me out to be bound to a mason, send me out to be bound to a plumber."

1508. Dr. TRAILL.—Would not that class of education be better attached to the National schools than to Erasmus Smith's?—I don't go into that at all, let me say you have money, and should apply it in that way.

1509. Would not the primary schools be a better place to have these industrial operations taught in than in a Grammar School?—I don't see what difference there would be where they are taught.

1510. Would it not be very difficult to mix up in a Grammar School, classics and the teaching of plumbing and carpentry?—I don't say I would teach it in the school but out of the funds of the Erasmus Smith endowment.

1511. Then you would close the school?—Oh, no.

1512. But you cannot do both, there is only these endowments?—But there is plenty of money.

1513. Where is the money?—In Erasmus Smith's School endowment funds.

1514. Lord Justice Fitzgerald.—We investigated their accounts in Dublin, and unfortunately know how low money they have got?—I know too, they have £8,000 a year.

1515. Dr. TRAILL.—That is, they ought to get it of their hands, but they don't get it now?—They don't get it now, but that state of things will not last always.

1516. Lord Justice Fitzgerald.—You rise a bit the great want of the place is industrial training, and these buildings might be made available for this purpose?—To a great extent. What Erasmus Smith provided by his will and charter was that they should send out boys to be apprenticed, that is what I want you to do.

1517. There is no Model School in Ennis, or any school giving a superior education to which Protestants go?

Rev. Mr. Griffith.—No, there is not.

## CHRISTIAN SCHOOLS, ENNIS.

Rev. Brother McNally sworn.

Rev. Brother McNally.

1518. Lord Justice Fitzgerald.—Are you one of the Christian Brothers engaged in teaching the Christian Schools in Ennis?—Yes.

1519. Your buildings are near the Courthouse?—Yes.

1520. How are they held?—By lease.

1521. Is the lease to members of the Order?—I think so, I think the principal is Mr. Maxwell, there may be others in the lease.

1522. I presume all your trustees are Roman Catholics?—I think so.

1523. Are the people Roman Catholics also?—Yes, we have no Protestants.

1524. Have you any endowment or property connected with the school?—None that I know of.

1525. Except the buildings and residence house?—If you can call that an endowment, but we pay a rent of £21 10s. yearly.

1526. What number of boys have you attending?—We had 321 in school yesterday.

1527. How many brothers are engaged in teaching?—Four.

1528. How are the funds supplied for maintaining the school?—By subscription.

1529. You have no money endowments, and if you had, it would not be within this Act of Parliament?—None that I know of.

1530. Rev. Dr. MOLLOY.—Then you don't want us to interfere with you?—Except you could do us any good.

1531. Lord Justice FITZGERSON.—What is the difficulty which prevents the Christian Brothers from getting grants from the National Board?—I think nothing but their own opinion, that is that they don't wish to comply with the rules of the Board.

1532. Do you know what the rules are that prevent them getting grants?—I cannot speak with authority,

but I think it probably consists in the Brothers not being allowed the use of religious emblems in school.

1533. I believe there is also the point about the use of your own books?—I think that would be yielded by the Commissioners, I was given to understand so.

1534. Lord Justice NASH.—Suppose the rules of the Commissioners were so altered that you could take advantage of the National Education grant, and were paid in the same proportion as the ordinary lay teachers, do you think that would supply a sufficient endowment for the use of your school?—I think so.

1535. That would supply your purpose?—I think so.

The sitting then terminated.

Oct. 12, 1887.

Rev. Brother  
M. D. C.

## PUBLIC SITTING—THURSDAY, OCTOBER 13, 1887.

Oct. 13, 1887.

At the Grammar School, Tipperary.

Present:—The Right Hon. Lord Justice FITZGERSON, and the Right Hon. Lord Justice NASH, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., D.Sc., ARTHUR TRAILL, Esq., LL.D., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, Junr., was in attendance.

### ERASMUS SMITH'S GRAMMAR SCHOOL.

Rev. W. B. Lindsay, LL.D., sworn.

1536. Lord Justice FITZGERSON.—When were you appointed head master here?—1875.

1537. At the time you were appointed what was the condition of the school?—There were no boys here, for six months I think there had not been any, or one or two day boys at the outside.

1538. With what number of boys did you open the school?—Forty, all boarders.

1539. What is your present number?—Sixty-seven boarders and fifteen day boys.

1540. What have been the numbers since you came?—Very constant for five years; I had sixty-five which is my full number, then it went down to forty-two, and then it got up to what it is now.

1541. What is the cause of the fluctuation?—I think it was because I was by myself here, I lost my wife.

1542. What number of boarders is the school intended to accommodate?—Fifty.

1543. How are you enabled to accommodate sixty-seven?—I have two rooms in my own part of the house as additional dormitories.

1544. Where do the day boys come from?—From the town of Tipperary, and some from about five miles out, Banaha and Kilsheena.

1545. Do they come by train?—No, they all drive.

1546. What are the fees for boarders?—Fifty guineas.

1547. And for the day boys?—They vary, eight guineas for English, Latin, and Greek, two guineas for French and two guineas for German, twelve guineas would include French, German, all the English subjects and drawing.

1548. Are all the boys learning classics?—About half a dozen are not. Boys going in for banks chiefly, all the younger boys are learning Latin and Greek except the very small boys.

1549. Do you prepare directly for the University?—Yes.

1550. What proportion of your boys go to universities?—I should think about eighty per cent. They all go to Trinity College.

1551. Have you sent any pupils to the Royal University?—Only two.

1552. Did those boys go for scholarships?—They both got mathematical scholarships at Cork, they lived in Cork.

1553. From what parts of Ireland do the boarders come?—Chiefly the south, from Cork and Tipperary, a few from about Dublin.

1554. Is there any other boarding school competing with you in this part of Ireland?—There is a school at Limerick, and a school at Clonmel.

1555. These are schools capable of giving the same class of instruction as you give here?—I think so.

1556. We saw yesterday the Ennis School also, have you any boys from the county Clare?—Yes.

1557. How many?—Not more than three.

1558. Have you any boys from county Limerick?—Several.

1559. What assistance do you get from the endowment?—The school-house, and about nineteen English acres of land.

1560. Rev. Dr. MOLLOY (reading).—We have it here, seventeen acres two rods twelve perches.

1561. Lord Justice FITZGERSON.—Do you hold the house and land free?—At £10 14s. a year.

1562. Do you pay that rent to the governors or to a landlord?—To the governors.

1563. I presume that off that quantity of land you can get supplies for the school?—Yes, vegetables and milk but not butter.

1564. You have sufficient land besides for playgrounds, cricket, and football grounds?—Quite enough.

1565. Is the land suitable?—Very suitable.

1566. Is the house suitable for the number of boys that you have?—Yes, we are short of school room because of having to use the dining hall, otherwise it is a very suitable house.

1567. You use the dining hall as an additional schoolroom?—Yes.

1568. How is your school divided as to classes?—Into six forms.

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1562. Then it is arranged on the English system?

—Yes.

1570. What staff of assistants have you?—Four assistants.

1571. What money do you get from the endowment, what is paid to yourself?—£100.

1572. And what sum for assistant masters?—£30 each for two, that is £100 altogether.

1573. Lord Justice FERGUSON.—Then £300 is the entire grant you get from the Board of Erasmus Smith?—Yes.

1574. Lord Justice FERGUSON.—What do the board do for you with respect to your buildings?—They keep the outside entirely in repair, and any large work inside, such as extensive repairs or alterations, I have to do all ordinary internal repairs.

1575. What is the arrangement with respect to the furniture and appliances of the school?—Most of it is now mine. There are nine desks in the school-room, and seven of these belong to the Board; they have four tables in the dining hall, the rest are mine. The chairs are mine, and most of the forms are mine. The beds are mine, except in one dormitory. Some of the heavy articles of furniture belong to the Board, but all the rest are mine.

1576. What are the religious denominations of your pupils?—Chiefly Church of Ireland, I have no "Romanists."

1577. Have you any other Protestant denominations?—Four Presbyterian day boys; all the boarders are Church of Ireland.

1578. To what departments do your four assistants belong?—One classical, one mathematical, one for the junior boys, and one master that teaches French, German, and drawing.

1579. Are they all resident?—Yes.

1580. Rev. Dr. MOLLOY.—Is your French master a foreigner?—He comes from Zurich.

1581. Lord Justice FERGUSON.—What are their salaries?—The classical master gets £300 a year, and his board, laundry, and medical attendance; the mathematical the same. The other two masters get £100 a year each.

1582. Then you pay £600 a year to assistant masters?—In money, besides the expenses.

1583. Then I suppose the subvention of the Board does not go near paying even their expenses and maintenance?—Oh, no; they consider that the rent, over and above the salary, is worth nearly £100 a year each.

1584. The school has been consistently and consistently successful since you have been here?—The drop I speak of only lasted for about nine months; for the whole thirteen years I have been here it has been an average of sixty-five.

1585. Have you applications for a greater number of boys to come in?—There are eight boys now waiting to come in. I had eighty-one boarders at one time, but I took an extra house in the town for them.

1586. Why did you discontinue the additional boarding-house?—There was too much expense and trouble, it did not pay.

1587a. If you had additional house accommodation here would you be able to receive more boarders?—Just now and then I would.

1587. How have your boys succeeded in the different places they went to?—Very well at Trinity College, and the Intermediate examinations.

1588. What number did you send to the Intermediate this year?—Twenty-nine.

1589. What were the results?—We got three exhibitions, and three prizes.

1590. Do you find the Intermediate examinations interfere at all with their preparation for the university?—No.

1591. Do you find the course convenient and useful?—Very convenient. The only class it would at all

interfere with is the head class which is preparing for college.

1592. Rev. Dr. MOLLOY.—That is because the books required in the languages for entrance into Trinity College are different from those on the Intermediate programme?—Yes; but it is more than made up for by making the boys read other courses than they are preparing for.

1593. Dr. TRAILL.—Do you find, in the head class, the course of the Intermediate Board too short as compared with the university course?—No; it seems very well being short, if it was longer they would not be able to go on with it, a great deal of it is in parallel lines.

1594. Rev. Dr. MOLLOY.—The only difference is in the text books prescribed?—Yes.

1595. Do your boys generally go up to the university in the same year in which they pass in the senior grade?—They generally pass in the senior grade in June, and go into the university in October.

1596. Lord Justice FERGUSON.—Have you found any difficulty where a boy got an exhibition, say in the middle grade, in his keeping his exhibition in the senior grade, and the same year going into Trinity College?—No.

1597. Have you had boys who got exhibitions in June in the senior grade, and afterwards got good places in Trinity College?—Yes; only one boy I can think of now, but a great number of them hold exhibitions, and get exhibitions in Trinity in the following October. It is improbable that they would get an exhibition in June before they enter, because we prepare them chiefly in the Trinity College examinations, and make the Intermediate course to serve their education merely as it occurs.

1598. Do you consider the Intermediate examinations as they are at present conducted, a reasonably fair test of a boy's progress and ability?—Yes, I do.

1599. Of course always subject to the caveat that there is no real competition?—Yes.

1600. Is there anything you can suggest in reference to the school, that would be likely to secure its continuing as useful and successful as it is now?—Do you mean what I should wish if I had my own way as regards the spending of money on it?

1601. Yes, and management generally?—A grammar and extra classes are the only things I could think of.

1602. Have you any appliances for experimental physics?—No.

1603. Does your Board supply anything of that sort?—I have never asked them, as I don't wish for it. I know they have supplied it to another school that asked for it.

1604. Is there any demand here for education of a practical kind?—No, I have never heard of it.

1605. Dr. TRAILL.—How do you account for having so few boys as fifteen from a town like Tipperary out of all that can come?—None of the "Romanists" come to us.

1606. Professor DOUGHERTY.—Do boys preparing for commercial pursuits attend your school?—There are some going into banks.

1607. Do all the boys in Tipperary who propose becoming business men come to this school for their education?—All the Church boys do.

1608. Dr. TRAILL.—What is the Church population of Tipperary, and the Protestant population generally?

Rev. Mr. HANNA.—About 250 or 300.

1609. Lord Justice FERGUSON.—As far as you know all the boys of the class in life who want superior education and belong to the Protestant denominations attend your school at present?—Yes.

1610. And their number is about fifteen?—Yes.

1611. Has there been much fluctuation in the number of the day boys?—It varies from twelve to sixteen.

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1611. I see that Mr. Mahaffy in 1870 reported that at that time he found five assistants, forty-eight barbers, and twenty-eight day boys, of whom seventeen were Roman Catholics, in the school?—I suppose he got it from me, but I don't recollect it.

1612. Has there been any Intermediate School established for Roman Catholic boys in your neighbourhood since then?—Not nearer than Emily.

1613. What was that established?—I don't know, there was one established about three years ago, because our superintendent was the head master of it and it broke up, and then I heard since there was another one established.

1614. Rev. Dr. MOLLOY.—How far is Rockwell from this?—About sixteen miles.

1615. Lord Justice FRASER.—Have you any school library?—Only a small one that the boys themselves have subscribed for.

1616. Mr. Mahaffy on the former occasion reported that there was a want of a school library and that vast well consumers?—Yes.

1617. Dr. TRAILL.—Do the boys care much about books?—All the books in their library at present are story books.

1618. You don't suppose they want books of reference?—No.

1619. Lord Justice FRASER.—Don't you think that a schoolboy requires other books besides books of reference?—Yes, but useful books would not be taken out.

1620. Rev. Dr. MOLLOY.—An interesting book tends to promote a taste for reading?—The books that are taken out principally are Dickens' works.

1621. I see this is called Tipperary Free Grammar School; in what sense is it a free school?—The Governors appoint day boys free here now and then.

1622. How many?—I don't know that there is any limit to their numbers.

1623. How many are there at present?—I think three.

1624. Three free boys out of sixty-seven hardly entitles a school to be called a free school.

1625. Lord Justice FRASER.—How are the free boys appointed?—The parent makes application to the governors of the school through me, he fills in a printed form and the board decides as to whether he should be admitted free or not, whether he is poor enough.

1626. Is there any competition for free admissions?—No.

1627. You are aware that the Governors have competitors in Dublin for free admissions to their schools there. Have they sought to establish anything of the kind here?—No, every boy who seeks for free admission if he can satisfy the Governors that he is entitled to it for poverty they give it.

1628. Rev. Dr. MOLLOY.—Then I suppose there are no poor Protestants?—No, I have only known the Governors to refuse one.

1629. Professor DOUGHERTY.—For what reason?—They never give the reason.

1630. To what denomination did that boy belong?—Church of Ireland.

1631. Lord Justice FRASER.—Are the free boys taught and treated in all respects like the others?—Yes.

1632. Professor DOUGHERTY.—Have you ever known a presentation to the foundation of a boy who did not belong to the Church of Ireland?—Frequently, all except one I have now, I think have been free not belonging to the Church of Ireland. The free boys hitherto have been chiefly Romanists.

1633. Lord Justice FRASER.—Were the free boys educated as Roman Catholics?—I am sure that the religion is never asked. I could find that out from the form of—Appendix B, No. VIII.—mentioned he free admission if you let me show it to you (produced).

1634. Rev. Dr. MOLLOY.—The baptismal certificate which is required would indicate the denomination of

the boy, would it not—would it necessarily?—I think it would give a good ground for conjecture.

1635. Professor DOUGHERTY.—"Baptismal certificate" might mean a certificate from the Registrar?—It generally comes from the Workhouse; I don't know the religion of the boys myself, I never inquire. For instance two boys had been here for six months, and until a month ago I did not know what their religion was.

1636. Then you don't give religious instruction?—Not to day boys.

1637. Lord Justice FRASER.—What are the hours of attendance for the day boys?—From nine to twelve, and from one to three. On Wednesday and Saturday an hour shorter.

1638. Could you tell us the largest number of free boys you ever had?—I don't think I have ever had more than six free day boys.

1639. Have you ever been without any?—No.

1640. Professor DOUGHERTY.—Do the Governors accept a certificate from the Registrar as equivalent to this baptismal certificate which they ask for? They ask for "a baptismal certificate signed by the proper authority"?—They accept any reasonable certificate that the boy is under age.

1641. What is the usual certificate?—It comes down from the Clerk of the Union.

1642. Lord Justice FRASER.—They are not Workhouse boys?—Oh, no.

1643. Then it is the local registrar's certificate?—Yes.

1644. That would be a certificate of registration; it would not be a baptismal certificate in the strict sense?—It entitles the baptism on it.

1645. What exhibitions and prizes are open to your boys going into Trinity College?—Each year there is one of £50 for five years, and one of £25 for five years, along with free rooms. They are not attached to this school, they belong to the four Erasmus Smith schools. I have not always got them.

1646. When you say there is one of £50 and one of £25, are there only the two exhibitions to be competed for each year?—That is all.

1647. Have you on any occasion got them both?—Yes, frequently.

1648. Where had you been before you came here?—At Newport School, about twenty-two miles from this, under the Incorporated Society.

1649. How long had you been there?—Three years.

1650. Was that the same class of school as this?—It was a house that was given me free. There was no endowment except the house and some acres of ground rent free.

1651. Is that still open?—No.

1652. Dr. TRAILL.—You brought your forty boys I suppose from that?—Yes.

1653. Were they all boarders there?—No, there were five or six day boys.

1654. Lord Justice FRASER.—So that during your time at Newport it appears to have supplied the want that at that time was not supplied by this school?—Yes.

1655. Dr. TRAILL.—Is Newport closed now?—Yes.

1656. What has become of the buildings?—They are taken by a farmer in the neighbourhood.

1657. The Incorporated Society have stopped using it?—As a school.

1658. Was that in consequence of the success of this school?—There was a master there after I left, and then it was turned into a barracks, and now it has been taken by a farmer.

1659. Where are the Erasmus Smith estates do you know—in this neighbourhood?—I believe so, but I don't know for certain.

1660. Is not the school built on the property of Erasmus Smith?—Yes.

1661. Do you know whether there is any adjoining

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ing property of his?—I know. Solobend belongs to it and that is about two miles distant.

1663. Have you ever had any applications from sons of tenants to be admitted?—Not to my knowledge.

1664. Nor, as far as you know either, on the

form of application or elsewhere do the tenants appear as having any additional claim on the endowment beyond anyone else?—No.

1665. You don't know the estate sufficiently to know whether there are any Protestant tenants upon it?—No, I do not know anything about them.

## ERASMUS SMITH'S ENGLISH SCHOOL.

Rev. David Hodson, M.D., M.P.

Rev. David  
Hodson, M.D.

1666. Lord Justice FRYGIMON.—You are the Rector of Tipperary?—Yes, since 1885.

1667. What is the position of the Erasmus Smith English School in Tipperary?—When I came here I found that the late rector had been receiving the rent of the school-house, that is over near the railway station, and two acres of land attached to it, and he also received a grant, so I was informed, of £18 a year towards the payment of the teacher.

1668. Is the house out of which he got the rent still let to a tenant?—Yes.

1669. Did you continue to receive the same amount?—No, the grant was taken from me when I came here because at that time there was no school. There was only one boy, and they (the Government) notified to me they would withdraw the whole grant. Then I found a school was needed, and they continued to me the grant of the rent of the school house, but did not continue the grant of £18 a year.

1670. Dr. TRAILL.—What was the amount of the rent of the school house?—Since 1884, when I commenced the school, it has averaged £10 19s. 9d. a year.

1671. Lord Justice FRYGIMON.—Has it been rising or falling?—It has been stationary.

1672. Is it regularly paid?—No, it is not regularly paid. I received it from the agent. I have nothing to say to collecting it.

1673. Who is the agent?—Mr. Sanders, of Sandford Park.

1674. What is the state of the property out of which the rent issues?—There is a very good house and very good land.

1675. Have you reasonable security for your £10 a year?—I receive it as long as the Board desires to give it to me, if my school went down they need not continue to give it.

1676. Do you happen to know whether that house was originally a school-house?—It was.

1677. Where is your school held?—I have rented a house in the centre of the town for £10 a year.

1678. What number of children have you attending the school?—Thirteen at present.

1679. Is it a primary school?—It is taught by a female teacher, I suppose it is what you would call a primary school.

1680. The Board have never increased the salary?—No.

1681. Dr. TRAILL.—You pay £10 rent out of the £31?—You may say the rent and taxes I pay for the school-house is met by the grant from the Board.

1682. Lord Justice FRYGIMON.—Would the premises out of which you get £10 a year be suitable for a school?—Dr. Hall, my predecessor, thought they would not be suitable and gave them up, they are away beyond the Fair Green, and he found it very difficult to get the little children to attend, and there are several days when they could not come on account of the cattle being there.

1683. Dr. TRAILL.—Is not the house there value for more than the sum you receive?—Yes, it is, but there is a difficulty I understand about getting the rent.

1684. Lord Justice FRYGIMON.—Is the house a shop or a residence?—It is occupied by a farmer who lets the old school-house as lodgings, and generally taking there are soldiers lodging in it.

1685. It is not what we call an agricultural holding?—I don't suppose so. I don't even know what rent the man is paying, but I take whatever I get from Mr. Sanders.

1686. What other help have you for the school?—I get £5 from the Diocesan Education Board, and the school-fee amount to about £5 more, and we had a bazaar.

1687. Are the children all members of your own congregation?—All but two, there are two Presbyterians.

1688. Is there a Presbyterian congregation in Tipperary?—There is a small one.

1689. Is there any other primary school under Protestant management in Tipperary?—No.

1690. Are these the only available Presbyterian children?—They are. There are two lads (in the Grammar School), and two with me.

1691. Are there no children in connexion with the Presbyterian congregation?—There are the only children of that class that require free education.

1692. Dr. TRAILL.—How do you get £5 school-fee for your few children?—They pay me in a quarter, at least they are supposed to pay in a quarter.

1693. Lord Justice FRYGIMON.—Have you any connexion with the National Board?—No, I cannot at present get any connexion with the National Board.

1694. Why not?—In the first place my numbers are so small.

1695. But your numbers would not prevent your getting inspectors, books, and supplies free?—I must have an average of fifteen for six months, and keep up that average to get recognition. I suppose they would give me inspection and books. But the amount of books required for a small school like this is very little, inspection I would value greatly, but there are other difficulties.

1696. Professor DOUGHERTY.—What books do you use?—National School books principally.

1697. Lord Justice FRYGIMON.—What are the difficulties?—I get £5 a year from the Diocesan Education Board, and I would come to get that if I had inspection.

1698. In your diocese, in connexion with the National Board a disqualification from getting a grant from the Diocesan Board?—I am ashamed to say it is.

1699. Dr. TRAILL.—What diocese is it in?—Cork and Emly.

1700. Lord Justice FRYGIMON.—How do you hold the school-house?—I am personally responsible for it from year to year. I am the tenant myself.

1701. You don't appear to have any property that would make it really of any use to you to form a local governing body for your school?—No; I think there is nothing worth that.

1702. I see that the house now let with two acres of land at £10 a year was originally built at an expense of £216 1s. 2d.?—It is a splendidly-built house.

1703. Dr. TRAILL.—Why did the Board withdraw their grant from you?—There was no school here.

1704. Why did they not restore it to you when you got a school, for this is just the reason they assigned for taking away all our grants from us in the north, that they had to supply the south?—I know I am fully in want of money.

1703. What salary do you pay your teacher?—£35 a year, and I give her two tons of coal and some attendance.

1704. Lord Justice FRYGIMSON.—Then, in point of fact, you are not able to pay such a salary as would be adequate for a first-class teacher?—No, and I have no funds. I run short of money.

1707. Dr. TRAILL.—Have you a collection in

your church for it?—No, but I get subscriptions for it.

1708. Lord Justice FRYGIMSON.—What assessment has your congregation to pay for the maintenance of the parish church?—£180.

1709. They have other demands on them?—A great number.

1710. What is the whole number of parishioners?—About 250.

Rev. D. Humphreys, O.C., sworn.

1711. I am not prepared, my lord, to give any evidence, but I would be most happy to give a statement of what education is provided in the locality. There is a very great need here of intermediate education.

1712. Lord Justice FRYGIMSON.—What is your position in Tipperary?—One of the curates. Canon Cahill is the parish priest.

1713. What schools have you in Tipperary?—The Christian Brothers have a school, which is a primary school and an intermediate school combined.

1714. Lord Justice NABUL.—What is the class of intermediate instruction given there?—To prepare for the Intermediate course, I have heard from the Brother superior that they don't teach Greek.

1715. Do they teach Latin?—Yes, French and Natural Philosophy.

1716. Lord Justice FRYGIMSON.—How many boys are receiving intermediate education?—I could not tell you the exact number—about fifty.

1717. Is there any higher school than that in Tipperary or the neighbourhood?—No.

1718. What is the nearest school at which a classical education is given?—There is one in Dean, about nine miles off.

1719. How is that maintained?—It is taught by a priest, who is chaplain to the convent, and he is maintained principally by the fees he gets from his pupils. Then there is a school, I think at Killybeg. I am not certain it is there yet. It was there some time ago; it was what is called a classical school.

1720. Do you know anything of the school at Enly?—No.

1721. What number of Christian Brothers are there at the school here?—Four teaching, I think.

1722. How are their stipends obtained?—They have a collection every year in the parish, and they get some school-fee.

1723. What provision is there for the education of girls?—The Convent Schools, and the National Schools of the parish. In the Convent Schools there are about 470 on the rolls.

1724. Do you know whether they take any intermediate pupils or board the pupils at the Convent?—They have what is called a select school for the better class of children, it is still under the National Board.

1725. Rev. Dr. MOLLOY.—Of what order are the Nuns?—Sisters of Mercy.

1726. They have a National School as well as the select school?—Their school is divided into a select school and schools not select, but the two classes of schools are under the Board.

1727. The pupils of the select school pay a fee, I suppose?—Yes; besides that they have an industrial school of over 100 children.

1728. Lord Justice NABUL.—In the case of Catholic boys that require to be educated in classics, where do they get their education?—Some of them attend the Christian Brothers' schools, others go away to boarding schools throughout the country, and Jesuit Colleges.

1729. Are there many boys of that description requiring classical education?—I should think there would be a great many in the place, it is a populous district.

1730. What is the population of the town?—I have heard it is about 7,500, including the military garrison and the poorhouse. There are attending

the female schools about 1,000 children, including a number of little boys, and the male schools about 500 children.

1731. What is the nearest Catholic boarding school to Tipperary?—Rockwell.

1732. How many miles is that?—About thirteen, Thurloe is over twenty.

1733. Rev. Dr. MOLLOY.—Do the Catholics here derive any benefit from the Erasmus Smith endowment?—None whatever.

1734. Have they any claim upon the endowment?—I cannot say, I don't know the history of the endowment.

1735. Do you know where the estates are situated from which the endowment is derived?—I think there are some of the estates in Oola, and some about Thurloe.

1736. Are there any Catholic tenants on these estates?—I should think nearly all are Catholic tenants.

1737. Do you know that Erasmus Smith stated in his will he intended the foundation to be available for the benefit of the children of tenants on his estates?—I do not.

1738. Ought they not to look into that, and see whether they are entitled to any benefit from the endowment?—I would be most happy to do so, if I thought it would be of any use.

1739. Lord Justice NABUL.—We held an inquiry in Dublin as to the origin of the endowments and the claims upon them, and the Catholics were represented before us upon that occasion.

1740. Lord Justice FRYGIMSON.—And we are obliged to settle our scheme in accordance with the founder's intention.

1741. Dr. TRAILL.—Do you observe that in the will of the founder he makes the teaching of the catechism prepared by the Assembly of divines at Westminster obligatory; would you consider it inconsistent with your duty towards your Roman Catholic children to have them instructed in that?—I would consider it obligatory on me to have them instructed in the Catholic catechism and no other. If you pushed the will of founders to their logical issues it would go very hard with the Church of England people here far more all their property has been derived from Catholics.

1742. Professor DOUGHERTY.—Do you happen to know whether there is any teaching of the catechism of the Assembly of divines?—I don't know. I have heard the Rev. Mr. Lindsay say he never inquires into any boy's religion, so, I presume, he does not teach them religion.

Rev. Dr. MOLLOY.—The evidence we get in Dublin was that, if Catholics come to the schools of Erasmus Smith, they are not taught any religion, they are left to themselves; so the governors have departed from that provision of the will.

1743. Professor DOUGHERTY.—Have any of your boys been educated in this school as free pupils?—I am not aware.

1744. Dr. TRAILL.—How long have you been here?—About two years and eight months.

1745. Rev. Dr. MOLLOY.—During that time Catholic boys have not come to this school?—I have heard one boy did come here, his name is Rice, he is not in the

Oct. 15, 1887.

Rev. Dean  
Haines, &c.

Rev. D.  
Humphreys,  
O.C.

Oct. 12, 1887.

Rev. D.  
Bamphreys,  
C.C.

town at present, but the Catholics have been prevented by us from coming here.

1746. Lord Justice FITZGERDON.—They would not come with your approval, though I understand there is no other school where a boy can obtain a classical education unless he goes away as a boarder!—Except, as I explained, the Christian Brothers' school.

1747. These Latin only is taught, and that is very limited!—Yes.

1748. Dr. TRAILL.—Do you observe another restriction Erasmus Smith puts on, "to exclude the children out of Primate Usher's schoolship and explain the same to them," which "I desire may be observed on the penalty of forfeiting their place"?—Yes. Just in general I wish to say there is no place in an acquainted with in which an Intermediate school is more required than Tipperary.

1749. Rev. Dr. MOLLOY.—Have you many Catholic children whose parents would be anxious to get an Intermediate education for them?—Oh, very many, not only in the town, but the country round.

1750. Do many of them go to Rockwell?—Yes.

1751. And they find that expensive; they would rather have a day school at home?—Yes.

1752. Lord Justice NAIRN.—We heard at Limerick in the case of *Semin College* that boys came from Tipperary to the day school?—Yes.

1753. Professor DOUGHERTY.—Do you know whether there is any demand for technical education in this locality?—I should think so, but I think the people know nothing about it.

1754. Lord Justice FITZGERDON.—What industry is there here?—There is a woollen factory at Banah.

1755. What provision is there in Tipperary for giving girls a good education?

Rev. Mr. HANON.—None, I have girls in my school of course.

1756. I mean for girls who want teaching in the higher subjects?

Rev. Mr. HANON.—There is no provision except there are some private teachers in town.

1757. Rev. Dr. MOLLOY.—How many Protestant girls are getting a higher education here?

Rev. Mr. HANON.—The Presbyterian minister has a school in which he has a few girls.

1758. Professor DOUGHERTY.—What is the character of that school?

Rev. Mr. HANON.—I know nothing about it except that he teaches children.

1759. Lord Justice FITZGERDON.—Do you know of any girls from the neighbourhood going up to the Intermediate examinations?

Rev. Mr. HANON.—I do not.

1760. Professor DOUGHERTY.—Does he profess to give an Intermediate education?—I don't think so, I never heard that he prepared any one for examinations.

1761. Does he live in Tipperary?—Yes, about a mile outside, but I fancy from what I have heard there are very few attending.

1762. Lord Justice FITZGERDON (to Mr. Lindsay).—Have you ever thought of the system they have in the north of Ireland of giving girls education in the advanced subjects they went along with the boys?—No, I think it is impossible, I have more boys than I have room for, I mean as day boys.

The inquiry then concluded.

Oct. 12, 1887.

## PUBLIC SITTING—THURSDAY, OCTOBER 13, 1887.

At the Courthouse, Cashel.

Present.—The Right Hon. Lord Justice FITZGERDON, and the Right Hon. Lord Justice NAIRN, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., D.Sc., ANTHONY TRAILL, Esq., LL.D., M.D., W.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, Junr., was in attendance.

## \* CASHEL CORPORATION NATIONAL SCHOOL.

1763. Lord Justice FITZGERDON.—We appointed to come here to-day in order to take evidence about two educational endowments. The first is an endowment

created by the Corporation of Cashel, apparently, therefore, derived from a public source.

Very Rev. Dean Quirk sworn.

1764. I am parish priest of Cashel and as such the manager of the male and female parish school. I have always got £150 a year from the Town Commissioners which I expended on those schools, and supplied them every year with the account of every shilling I laid out.

1765. Do you know how that sum is charged upon their property?—I could not say; there was a scheme passed by the Master in Chancery, in Dublin, about 1844. There was a lawsuit, one of my predecessors, Dean McDonnell, demanded payment of this sum from the Commissioners. At the time they had some doubts about paying it, but they were compelled to give £100 for all time to come to the parish priest of Cashel, to distribute it between the male and female National schools. Immediately after I came here there was accidentally a good sum of money got from other sources, and the people immediately went on for establishing a school of Christian Brothers, think-

ing the National School was not doing so well for their boys. There were a great many complaints made to ourselves, and I said "if the people wish it, and it can be done, with all my heart, let it." There was a meeting of the parishioners, and great anxiety shown to bring in the Brothers, and they were brought in and a school established for them. Then there was a movement made to change the scheme in the Court in Dublin, and to give the Christian Brothers what we thought would be a reasonable share of this £150—£80 to the female school, and £100 to the two male schools. One of the principal male teachers went away, as he thought it to his interest, as the school broke up to a considerable extent when the Christian Brothers opened their school. The next thing we did was to try to get the scheme changed, and give the Christian Brothers a proportion of the £100 a year. It was tried at the time the Protestant Church was disendowed, and it

Very Rev.  
Dean Quirk.

\* Appendix E, Sec VIII. (a) col (2), pp. 435-437.

went before one of the judges, who said this was no time for endorsements and he would not listen to it at all, it was treated very curtly. However, I got a statement drawn up by the parishioners, and it was submitted to two Queen's Counsel, who studied the whole matter; and they gave me the opinion that I was perfectly competent, as parish priest, to distribute this sum, dividing it among the schools in proportion to the good they were doing.

1768. Lord Justice NAUM.—What was the date of the first Chancery scheme?—I think 1853.

1767. Lord Justice FRANKLIN.—Do you happen to have the case you submitted to counsel?—I have (produced). It was to Mr. Green, Q.C., and Mr. Heron, Q.C.

1768. This will give us the whole history:—"19th January, 1843, a decree was made in the case of the Attorney-General at the relation of Robert Stinch against Farnedfather and others." I suppose the defendants in that suit were the Town Commissioners?—I should think so.

1769. (Reads case and opinion.) To put it shortly, Mr. Dean, it appears you were advised you might cause giving the money to the Christian Brothers if you liked, and if you did not like you should go into Chancery?—I was not to be overcautious for what I did, let them stop me if they could.

1770. Well what did you do?—I gave the surplus to the Christian Brothers and got good value for it.

1771. Do I understand that at present the Charter school premises and £100 a year are applied to the Christian Brothers?—The Charter school premises belong to the Christian Brothers at present, because they had double the numbers when we made the donation. We gave the larger house to the larger school, and the National school is going on very well; I did everything I could to keep it up.

1772. How is the house held in which the National school is?—The house, I suppose, would measure over 60 feet by 30 feet. The Town Commissioners have purchased it; we have it rent free and we are giving it every help and fair play. We never kept them back and they are giving very good work.

1773. Then the Christian Brothers have the old premises?—The Christian Brothers have the old premises where the larger school was when it was established. There is £80 going for female education, and then there is £100 for male education, and we give them all we can.

#### Rev. Brother Robert Dunn sworn.

1753. Lord Justice FRANKLIN.—Are you one of the Christian Brothers in charge of the Cusack schools?—Yes.

1754. What is the number on your roll at present?—We would be safe in saying 300—it might be over that.

1755. And your average attendance?—I would say 150.

1756. How many Brothers are engaged in teaching?—Three engaged in teaching, with some assistants, whom we pay. We have two schools. We accommodate our circumstances by using one as a sort of classroom during the day, so that we have combined three rooms into two, and we have two Brothers in one room.

1757. Have you any intermediate class?—We have an intermediate class of about one dozen pupils.

1758. Have you sent any boys up to the Intermediate Examinations?—We have, during the past five or six years.

1759. Have you been able to pass many of the boys?—We have won £300 during that period by exhibitions and prizes, with gold and silver medals.

1760. And all the instruction for that has been given by the community?—By the Brothers.

1761. What were the subjects in which you got prizes?—English and modern languages in the middle

1774. Where is the £80 applied to?—To the Presentation Convent.

1775. Then, in that case, you have no ownership in the house?—No, I give the money for the teaching of the poor—500 poor children.

1776. And there never have been any proceedings since 1873 to restrain you?—No. I think the public are very well pleased.

1777. What are the numbers of the Christian Brothers' school?—I think 100.

1778. Dr. TRAILL.—Did you take a legal opinion about the allocation of the £80 to the Convent schools at the same time that you took the opinion about the Christian Brothers' schools?—The Convent, you know, is a National school, and a very fine one too.

1779. Lord Justice FRANKLIN.—What number of girls are attending that school?—The average is a little over 300, and the number in the male National school has increased a good deal. The average number between the Christian Brothers and the male National school is about 300 more, divided rather equally between them, and I have always held very fair lines between them, and I think the public generally are very well pleased.

1780. You distribute the money according to what you think the interests are?—I distribute the money considering all the chances the National school teachers get. We have a principal teacher and two assistants, and three monitors. I give the monitors 10s. a quarter, the assistants £1 10s. each, and the principal man £5 each. That is in round numbers about £40 a year, and the Christian Brothers get the other £60. The whole of it is entrusted to the auditor, and I was never put to any trouble about it.

1781. Having regard to this opinion, which really only told you you might continue to pay the money until you were stopped, it probably would be the safest course for you to take to make the thing legal now, and if it really is an arrangement that satisfies the Catholic population of Cusack and yourself, you might have it sanctioned by a scheme?—Yes; I have acted honestly and above board, but at the same time, properly, not very legally.

1782. We should be glad to have from yourself or any of the Town Commissioners who take an interest in the matter about it, if you thought it advantageous, for example, to associate anyone else with yourself, representing the Catholic inhabitants, that could be done?—I would be very glad of that too.

grade, and this year a £10 prize for English and French combined, under grade; also we have got medals in Crotic, with other prizes.

1782. Was the gold medal for English and modern languages combined?—No, for English alone in the middle grade.

1793. Therefore, your boy was first in all Ireland?—Yes.

1794. In what year was that?—1885.

1795. For what calling was that boy preparing?—He is a son of an ex-sub-constable, and he is preparing for the Civil Service with us.

1796. Then are you able to give a more advanced education—is that out of school hours?—Sometimes we give education out of school hours in order to accommodate certain special cases. In one instance I remember the son of a professional gentleman availed of our services for the Royal University. Unfortunately, he had failed twice previously in other hands, and succeeded with us in the first arts examination.

1797. How is the money you get from Dean Quirkie spent?—Some of it for our own support, and the remainder for aid in teaching.

1798. Is the sum for your support limited as in some other places to 240 each?—From the church

Oct. 12, 1887.

Very Rev.  
Dean Quirkie.

Oct 12, 1897.

Rev. Robert  
Dunn.

collections in some places it is limited, but not in all, in some places there is a small sum or endowment which supplements what is received from the parish priest or bishop, as in the present instance.

1793. What proportion of your children pay fees?—A small proportion, at not sixty per cent, and the fees are the smallest possible, not more than twopence weekly.

Dean Quirk.—There are a great number of poor children in Cuskel.

Rev. Brother Dunn.—It would be safer to say fifty per cent. pay.

1800. Lord Justice Fitzgerald.—Is there any

superior school nearer than Rockwell?—Nothing nearer than Rockwell.

1801. So that the Roman Catholic inhabitants are dependent on you for all instruction?—They avail of us as far as they require it.

Dean Quirk.—I always found the Town Commissioners as anxious to promote the interests of the school as I was myself.

Rev. Brother Dunn.—One of our pupils, a young lad named Kennedy, followed our instruction through the intermediate grades, and he has now got a very nice position on the Land Commission as Assistant Registrar.

## ST. JOHN'S PAROCHIAL SCHOOL.

Very Rev. Dean Leach sworn.

1801A. Lord Justice Fitzgerald.—You are the Protestant Rector of Cuskel as well as being Dean of Cuskel?—I am.

1802. Do you receive from the Town Commissioners £10 a year under the Charney Scheme?—I do.

1803. How do you apply it?—I apply it towards paying the salaries of the teachers in two schools.

1804. Have you a boys' school and a girls' school?—Yes.

1805. How are the premises held in which your schools are?—They are both vested in the Representative Church Body.

1806. We find there is a record of a bequest from Richard Price under an old grant of 1745, do you get that?—I do, that is from the Incorporated Society, they pay me £13 16s. 11d. half-yearly, and also £15 a year on account of the Manse Trust.

1807. What was the Manse Trust?—Some land left by a lady of the name of Manse and the Incorporated Society between them, they purchased the land, and the £15 a year is given for that land.

1808. That would make up about £40 a year?—£40 18s. 10d.

1809. Twenty pounds from the Charney Scheme makes £60?—Yes, and then we have £18 a year from our Select Vestry.

1810. In your school in connection with the National Board or any other Board?—It is in connection with the Incorporated Society and our Diocesan Board of Education.

1811. How many pupils have you in attendance at the boys' school?—At present but seven on the roll, and six in attendance.

1812. How have the numbers fallen away so much since the last Commission when there were sixteen?—They were children of policemen attending school, and these policemen have been removed.

1813. How many are attending the girls' school?—There are twenty-six on the roll, and twenty in attendance.

1814. How does it occur that there are so very much more girls than boys?—I don't know. All the children coming to the school are of Protestant parentage.

1815. Dr. Traill.—Were all the policemen's children boys?—No.

1816. How is it there is not a falling off in the girls then?—What was the former number of girls?

1817. Lord Justice Fitzgerald.—Sixteen to seventeen. Are the pupils of your own denomination?—Exclusively so.

1818. Are there any Presbyterians or other Protestant denominations in Cuskel?—No, all members of our Church.

1819. Is your school inspected by the Incorporated Society?—It is, and by Mr. Rodkin, Inspector of the Erasmus Smith Schools.

1820. You are not in connection with the Erasmus Smith endowment?—No, we are not, it was merely a request that Mr. Rodkin would undertake it, and he kindly did so.

1821. On former occasions you were giving something more than primary education at the school, do you still continue to give it?—No, that failed.

1822. What provision is there in Cuskel for intermediate education for Protestants?—None.

1823. What is the nearest school open to them or available?—Thamesy Grammar School, that is not far.

1824. Do you give an account to the Corporation, or merely a receipt each year?—Merely a receipt; I keep a regular account.

1825. And the sum is irregularly paid?—Regularly paid, yearly.

1826. Is this sum charged on landed property of the Corporation?

Mr. Mullins.—It is charged on landed property.

1827. I believe the Cuskel Town Commissioners have a considerable Borough estate?

Mr. Mullins.—Oh, yes, very large.

1828. Have you any scholarships open to you?

Dean Leach.—In connection with the Incorporated Society, one girl went up a short time ago and answered very well, but she was over the age.

1829. Dr. Traill.—How did you come to be connected with the Incorporated Society?—Oh, it was before I was born.

1830. Lord Justice Fitzgerald.—Have you two teachers?—Yes, a male teacher and a female teacher; the male teacher receives £40 and the female under £30.

1831. How the male teacher any other post?—He is one of our chorists, and receives a salary for that.

1832. Has the female teacher any addition to her salary?—No.

1833. Have you thought at all of placing your school in connection with the National Board?—No, there would be no advantage in doing so. There are a few small boys in the girls' school.

1834. Dr. Traill.—Does the master teach any of the girls?—None.

1835. Do you use all his time on the six boys?—We do.

1836. Lord Justice Fitzgerald.—How is he qualified?—Very good, he was educated at the Public Institution near Kilkenny.

1837. And the female teacher's qualification?—Very good, she was trained at Kilkenny-place.

1838. Dr. Traill.—Was that under the old arrangement?—Yes.

1839. Lord Justice Fitzgerald.—How long has the master been with you?—Two years.

1840. And the present mistress?—Twelve years.

1841. All the property of your school appears to be already vested in corporate bodies, so that there is no expense or risk about it, the Town Commissioners hold the manse, and the Incorporated Society hold the premises.

Dean Leach.—I supplement it myself with a subscription and there are two or three other subscriptions also.

The inquiry was adjourned.

## \* PUBLIC SITTING—FRIDAY, OCTOBER 14, 1887.

Oct. 14, 1887.

At the Courthouse, Cork.

**Present:**—The Right Hon. Lord Justice FITZGERSON, and the Right Hon. Lord Justice NAIER, Judicial Commissioners; and the Rev. GERALD MOLLOY, B.D., D.D., ANTHONY TRAILL, Esq., LL.D., M.P., F.T.C.D., and Professor DODDINGTON, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, junr., was in attendance.

Lord Justice FITZGERSON made an opening statement.

## CHRISTIAN BROTHERS' SCHOOLS.

Rev. Brother James Dominick Burke sworn.

1841. Lord Justice FITZGERSON.—You are the Superior of the Christian Brothers' Schools in Cork?—Yes.

1842. How long have you been connected with the schools?—Nearly thirty-six years.

1843. How many establishments have you got in Cork?—Three separate establishments with twenty-two rooms, Penelope Lane, Blarney Lane, and Sullivan's Quay.

1844. How many distinct schools or classes have you got in Penelope Lane?—Twelve distinct schools with lecture gallery and science hall.

1845. What is your staff of teachers there?—The present staff is fourteen brothers and about twenty-two teachers, paid instructors or assistant teachers, former pupils of the schools.

1846. What is their remuneration?—The cost at present is nearly £300 a year for assistant teachers.

1847. Rev. Dr. MOLLOY.—It has been doubted since the last Commission?—Not exactly doubted but increased a good deal, it was then about £170 or £180.

1848. In the Report it is stated to have been £117 for the year 1878-81?—Then it has been more than doubled.

1849. Lord Justice NAIER.—For how many assistant teachers?—About twenty-nine altogether in the three establishments.

1850. Lord Justice FITZGERSON.—How many brothers are at Blarney Lane?—Five.

1851. And at Sullivan's Quay?—Three. There are actually twenty-four members of the order engaged in teaching. I myself teach from time to time, there is another person discharged who also goes through the schools.

1852. Are you superintendent or superior of all three establishments?—Yes.

1853. What is the provision for the maintenance of the brothers, and the sources from which it is derived?—The first source from which the support of the institution is derived is from the foundation, the endowment, the second is from results, from various sources, such as the Intermediate and Kensington, the third a sermon, and the fourth a collection and the gifts of friends through the year.

1854. Lord Justice NAIER.—I suppose you get some school fees?—The school fees we cannot touch; they must be all devoted to the children.

1855. Lord Justice FITZGERSON.—But they are devoted to the children in the way of providing books and school requisites?—Yes, and keeping schools in repair, and paying teachers.

1856. Lord Justice NAIER.—Of course they are not sufficient for the maintenance of the schools?—They are not.

1857. Lord Justice FITZGERSON.—What amount is provided for the maintenance of the Order, is there any rule in this respect about the amount?—There is not, we take the whole together, our place is very

large, the grounds very extensive, the house quite ample for the accommodation of twenty-seven members, and taking all into account I think it takes at present £1,500 a year.

1858. Lord Justice NAIER.—Do you include the schools?—No, the house alone, the schools add £600 to that.

1859. Lord Justice FITZGERSON.—That would make £2,100?—Yes, but that is by no means sufficient to do the work that we have engaged in, we have over 2,000 on the rolls.

1860. I want first to get the existing position of pecuniary affairs. What further expenditure is there besides the £2,100 for the maintenance of the schools?—At present that is our full income. That has to be made up from various sources.

1861. Rev. Dr. MOLLOY.—Do you say it is not sufficient for the adequate maintenance of the schools?—It is not.

1862. But it is all you have available for that purpose?—All that we have available.

1863. Dr. TRAILL.—In what respect do you find it not sufficient?—In this, that all the teachers have more than enough to do, we should require for the work we are engaged in, about forty-five or fifty teachers. I find that if our schools were in connection with the Board of Education they would have 50 teachers for that number at least. We have 2,100 on the rolls, with a daily attendance of 1,800, and taking 50 for each person that would be 90 teachers.

1864. That is your present staff?—Yes, but then they would have also persons to superintend, who would go through the rooms and see how things were conducted, and they would have paid monitors or pupil teachers.

1865. Lord Justice FITZGERSON.—What is the number of your paid monitors now?—Twenty-nine.

1866. The 50 teachers according to the National Board rule would be exclusive of monitors?—Yes.

1867. Rev. Dr. MOLLOY.—You have 2,100 on the roll?—Yes.

1868. I make it out that forty-two teachers would be required if we allow one teacher to every fifty pupils?—I take the average attendance only.

1869. Lord Justice FITZGERSON.—How are the pupil teachers divided?—We have from one to two with each brother in the school, some have one, but most have two, and in one case there are three.

1870. What is the division of your classes as regards education?—From the earliest foundation of our schools in Ireland our upper scholastics were always Intermediate schools; our juniors were of course primary, and the same thing prevails at present, not only in Cork, but I may say through all Ireland. We have at present 250 receiving Intermediate education, the remainder are primary.

1871. Where do these 250 receiving Intermediate Education come from, how do they get into the range

Rev. Brother  
James  
Dominick  
Burke.

\* See Appendix B, No. IX., p. 467.

Oct. 18, 1886.

Rev. Brother  
James  
Dewick  
Beris.

of Intermediate Education?—They are drafted from school to school according to their progress until at last they attain the upper course where they receive this education.

1872. Are all your 250 pupils drafted from the lower strata of education, or are any of them pupils who come to you as Intermediate pupils at the start?—Very few come from outside, they are nearly all from our own schools.

1873. Are they advanced in your schools for any other cause than as finding that their progress warrants it?—That is all.

1874. In fact they represent the clever boys who have got on quickest?—Yes.

1875. Rev. Dr. MOLLOY.—About what proportion of the total number in your primary schools eventually come to the Intermediate School; one in three, or one in four, or one in five?—I could not exactly say.

1876. At present you have 250 in the Intermediate class, and your total roll is 2,160?—2,100, that would be about one in eight.

1877. Dr. TRAILL.—Is 250 the number on the roll or in attendance?—The number actually receiving education, we generally have a few absent each day.

1878. Then you would compare 250 with 1,800?—I would compare them with the 2,100, I think.

1879. Lord Justice FRINGEMAN.—You have 250 on the roll in the Intermediate School, and 2,100 in all the schools. I suppose as you have been a long time carrying on this system, the number now in the schools fairly represents about the proportion that get promoted?—It does. I brought a few of our result sheets taken from the result book of the Intermediate Board for this year to give you an idea of the work done during the year.

1880. Before going to the details of the results I wish to ask what subjects are taught in your Intermediate schools?—The languages, mathematics—

1881. Do you teach Greek?—A little.

1882. Do you send boys up in the Intermediate Examination in Greek?—No.

1883. In Latin I believe you do?—Yes, we passed in Latin last year twenty-eight.

1884. How high do you go in mathematical instruction?—As far as trigonometry.

1885. Inclusive?—Yes, the course of the Intermediate for the senior grade.

1886. What number passed in mathematics last year?—143 in all grades.

1887. What modern languages do you teach?—French and Celtic.

1888. Do you teach any others?—A few have passed in Italian, and we are thinking of introducing German as being extremely useful to clever boys in getting good positions.

1889. Dr. TRAILL.—How much money did you receive in result fees last year?—I have made out the average since we commenced, to be £247 for the eight years since the commencement, out of that there is £100 expenses attending the working of the Intermediate. We have to pay for the forms, for the birth registration, to provide books for the use of the boys, and to get the best editions for the teachers. We calculate it takes £160 out of that to provide all these matters; £100 out of £247 each year.

1890. Rev. Dr. MOLLOY.—That is to say the extra expenditure which you have to undertake in order to turn these result fees is about £100 a year?—Yes.

1891. You have been more fortunate than other schools, because we have been told in other cases that the extra expenditure is greater than the result fees?—I have no doubt it would be so, and if we were to employ the full number of teachers to do the work that the result fees represent, we should have twice the number of teachers. We calculate instead of having the work done by five Brothers we would want ten.

1892. Lord Justice FRINGEMAN.—Is all the intermediate work done by five Brothers?—It is done by five Brothers, with the assistance of two paid monitors, and occasionally two or three of the other Brothers might take a class, but the work, I may say, is done by five.

1893. Do your receipts fluctuate much from year to year?—Very much—£298 the first year, £155 the second, the same the third; one year it rose to £368, and last year to £483. But it fluctuates so much we cannot depend upon it. This year it will not be equal to last year at all. That arises from the fact that several of the examination papers were of a very severe character, and so tested the junior children that they were unable to pass.

1894. Do you find much fluctuation in the qualification of the boys one year from another, one class better than another?—Not much; we find them, on an average, making the same.

1895. Your school is so large you would not find it so much so in a smaller number. I see you got, in 1887, 151 successes; new exhibitions, 15; exhibitions retained, 6; medals in Celtic, prizes, 20; passes, 109; special distinctions in the junior grade, first in all Ireland in Celtic, and two seconds, first in Celtic composition, second place in Latin composition, second place in drawing; full score in algebra, and in the middle grade one by full score in arithmetic, and in the senior grade second place in drawing?—Yes.

1896. Rev. Dr. MOLLOY.—In what subjects were the examination papers too severe?—Junior arithmetic and geometry, and in the senior natural philosophy. The style, too, in which the questions were put in chemistry and philosophy in the junior grade was embarrassing to young children.

1897. Do you find a considerable fluctuation in the standard of difficulty of the papers in successive years?—No, on the whole, we find the papers are very fair, but occasionally some examiner, not understanding the true character of children, sets a paper that would put a very advanced person to his wit to accomplish.

1898. A paper unsuited to the class of pupils going up for examination?—Yes; for instance, the junior geometry paper of this year was of such a character that it would require one to have the propositions of the three books thoroughly by heart, and to write as fast as he possibly could, without one moment's reflection as to what he was doing, in order to get honors in the first paper.

1899. That is, the amount of work was too great?—The amount to be done too great, it left no time.

1900. Lord Justice FRINGEMAN.—But I suppose there is hardly any system of examination that is not subject to some defects of that kind?—I suppose not.

1901. Taking it as a whole have you found the Intermediate examinations a fair test of the work done?—I have. I find, and our Brothers also find, that they can nearly anticipate the results of the examinations, they can well weigh place all the boys in the order of merit in which they would come out.

1902. Rev. Dr. MOLLOY.—That is a very good test of the satisfactory character of the examinations?—Yes, we do find it very satisfactory, but occasionally hard papers for the Junior Grade caused a great fluctuation in the number passing; last year the percentage of passes in Ireland was sixty-six, this year it fell to fifty-two, chiefly owing to the few severe papers in the Junior Grade.

1903. Professor DOUGHERTY.—Is that because examinations new to the work are usually appointed to examine the Junior Grade?—I cannot say it arises from that cause, because we find men who have never set papers before very considerate in the papers they give. I think it arises from some peculiarity of mind of the examiner, or a very high estimate of the capacities of children.

1904. Dr. TRAILL.—Is it from the want of time allowed, or the great difficulty of the questions?—First from the want of time allowed, and secondly

going to the difficult manner in which the questions are proposed.

1905. Distinguishing the questions 1—Yes.

1906. The ideal paper for full marks ought to be one by which the boy should be kept at work as hard as he could, and finish at the end of the hour 1—It so happens sometimes that even if he did all that lay within him he could not accomplish the work.

1907. Rev. Dr. Motter.—I fancy you would wish that a boy should be allowed a little time for thinking!—I think a paper that would not allow that would be defective.

1908. Lord Justice FRYGIMON.—Have you any natural science teaching 1—Yes, we are very extensive in that department. I may mention that we have teaching Latin at present 70, French 140, and during the past year seven of our pupils matriculated directly from the schools in the Royal University. And I may mention also that we find no difficulty in getting them passed, if they go well through the Intermediate education. Those seven did go through the Intermediate course, and it required only a very short preparation to enable them to pass the matriculation.

1909. Then you find the Intermediate course a good preparation for matriculation 1—The very best.

1910. Professor DONOVAN.—How does the matriculation examination in the Royal University compare in point of difficulty with the Intermediate examination 1—I think a boy who passed the Middle Grade would have no difficulty in passing the matriculation, it would become even easier to him if the authors for the matriculation were the same as those for the Intermediate. The difficulty at present arises from the fact that when they finish the Intermediate examinations in June, they have only then a month or two to look over the special nature in order to prepare for the matriculation examination. But if my arrangement could be made by which the two would be brought in accordance, I think very happy results would ensue from it. As regards philosophy, we have 300 at present learning natural philosophy, and 130 chemistry.

1911. Lord Justice FRYGIMON.—What do you teach in natural philosophy 1—We have a science hall of large dimensions, well furnished with scientific apparatus. We have trained the amount there at present for £3,000, all the gifts of friends.

1912. What does that scientific apparatus include 1—It includes all that would illustrate all the branches of natural philosophy, mechanics, heat, light, sound, electricity and magnetism, and we have also a good supply of chemical apparatus.

1913. Have you any instruction that would be specially available for boys going into trades 1—Yes, we have a gas engine of half horse power, a part gift of Messrs Brothers; this engine works a dynamo of 1,000 candle power, and it also works about 33 feet of shafting from which all the little machines in the room are worked. We have also got a lathe, part present from the Britannia Company, thirty-two inches worth, and this we purpose showing the use of to the advanced pupils in the school. We have many other matters that are very useful to boys going on for the mechanical trades. Then, in connection with the school at present, we have an industrial museum, which you will see on the occasion of your visit; this includes the raw material and the stages of the manufactured articles up to the finished article, and we have perhaps about thirty or forty different processes illustrated at present, and from presentations. I have just got lately, I think I shall be able to extend it to twenty more different processes, the manufacture of tinware, pins, hooks and eyes, fish tackle, cutlery, and all kinds of electro-plating, and notions of that kind.

1914. The ordinary trades, shoemaking and carpentry 1—No, we cannot introduce these; they are incompatible with the ordinary working of a day school.

1915. Then you don't look very enthusiastically in mixing up technical instruction of that sort with your teaching 1—As far as I see it cannot be done; you must abridge the amount of literary and scientific matter which is given at present if you introduce trades, and then you must have a set of teachers specially adapted for that. I do not think it is possible for an ordinary teacher of a school to be made up in the mechanical arts, sufficiently to teach boys any trade, or even a part of it, and I think from what I have heard from the best mechanics that any attempt of that kind would only make the boys very indifferent tradesmen, and the work would have to be all gone over again by experts.

1916. You think it is better to keep instruction of that sort separate from school teaching 1—I believe so. If it is to be done at all it must be done after hours.

1917. Professor DONOVAN.—What amount of manual instruction would you give boys in your schools who are looking forward to entering workshops, where they would be apprenticed to different trades 1—I don't think we can at present give any. I have seen some of the technical schools in England—Bradford, Sheffield and Glasgow—and I find the schools are specially set apart for that purpose. There are evening schools for those engaged during the day at various trades. Of course the two things can go together, that is carpentry, fitting business, and machine drawing, together with the languages and the higher mathematics. The boys in those schools I found to be about fifteen or sixteen years of age; they had completed their course in the ordinary schools.

1918. At what age do your boys usually leave your elementary department 1—About twelve.

1919. And you don't think it is possible before that age to give boys, in addition to literary education, any technical instruction, going so far, say, as the use of ordinary tools 1—Yes, I would introduce the use of ordinary tools, we are trying to effect that, but I would limit it to the showing how they were to be used, I don't see that we could at all let the tools into their hands to use them. It would require another set of teachers, the teachers cannot be withdrawn from their present work to attend to that.

1920. Lord Justice FRYGIMON.—You would teach them to know "a hawk from a handsaw" 1—Yes, and the use of tools.

1921. Dr. TRAILL.—Could you not introduce tradesmen, as at Artisan. One half the boys during half the day are at workshops and come in for literary teaching during the other half of the day, and they change about. Could you not introduce teachers from amongst the ordinary tradesmen so as really to teach them properly 1—I don't think the comparison of Artisan school, or of any Industrial school, with an ordinary day school is at all a fair one; in those industrial schools the children live in the place, they have them all the day, they can arrange the teaching and the trades without any interference with one another. But having the day children from nine in the morning or half past nine until three, you cannot withdraw any of the time from them without great detriment to their secular education, and there is this to be noticed, if you let boys leave the school with a very indifferent English or mathematical education they can never recover that; they can acquire a knowledge of the trades after leaving school, but a defect in their education, made when young, remains, in my opinion, for ever. I would then prefer, by far, to give the children, the very poorest, as far as they can go, a good English education, and then let them learn all the trades they can in the evening or afterwards as far as their circumstances will permit.

1922. Rev. Dr. Motter.—Do you mean in the evening of their school days, or after they leave school 1—I mean after leaving school. But at the same time if a technical school were established in Cork that school could be availed of by boys attending daily in the primary and intermediate schools with great advantage.

Oct. 24, 1887.

Rev. Brother  
James  
Donovan  
Bucks.

OCT. 14, 1937.

Rev. Brother  
JAMES  
DOWDALL,  
Dublin.

1923. Dr. TRAILL.—Of what age?—Fourteen or fifteen.

1924. Lord Justice FRINGHAM.—We found in Belfast an evening technical school attended by boys who during the day were engaged at school, or at their own business, earning some little thing for themselves. Is there any institution of that kind in Cork?—There is not.

1925. Do you close your working day at three o'clock?—We do.

1926. Dr. TRAILL.—Have you to feed the children during the day?—No.

1927. How do they last from nine to three?—They bring food with them.

1928. Rev. Dr. MOLLOY.—Do you think it desirable or not that boys up to the age of fourteen should be left without any manual training—that is, training which teaches them how to use their hands in actually doing some kind of work?—My own opinion is, as I have already expressed it, that it would be better to give them a good education first, and subsequently, when they leave school, to carry on technical education.

1929. Supposing it was possible to bring them to the school outside the ordinary school hours—say, for example, to evening classes—should you then think it desirable they should be taught some sort of manual industry?—I don't mean a trade, but how to use their hands in actual manipulation of tools?—I think that would be most desirable, and it is a thing I would aim at for myself if it could be accomplished.

1930. Your opinion, then, is, that such manual teaching cannot be introduced into the ordinary school hours?—I think not.

1931. But it would be desirable, outside of ordinary school hours, in those cases where it might be found possible?—Yes.

1932. Lord Justice FRINGHAM.—But it would require an extra staff to do it?—Yes. If an hour, or a couple of hours, were set apart during the week from the ordinary hours of instruction during the day, with a competent person to teach them, a different staff or an increase to the present staff in any school, I think it might be accomplished.

1933. Dr. TRAILL.—Is there not a good intellectual education itself, irrespective of all books, to be got from teaching boys to use the hand and eye together?—Yes, and so far I think we have introduced that. We have throughout the three establishments introduced drawing from the age of six up to the age of sixteen, and I don't see any better technical instruction for a boy than to know how to use the compass and rule in practical geometry. A distinguished clergyman, Fr. Klein, saw the work going on in our classes, and having a knowledge of what is done in Germany, said that there was no better manual training, no better training for the eye, than drawing, and especially the use of the compass and rule.

1934. Did you ever try modelling?—No; but we teach model drawing.

1935. But modelling with the hands?—No.

1936. Professor DOWDALL.—Do you teach drawing in your elementary department?—We do, from six to sixteen.

1937. What proportion of your boys are learning drawing?—All learn drawing.

1938. Lord Justice FRINGHAM.—What are your provisions for art teaching, including drawing?—At present we are in connexion with South Kensington, and we have re-arranged the whole establishment so as to suit the programme that they have laid down. They require seven stages of drawing from the child of six up to the boy of sixteen, and we have to readjust all our classes to meet that requirement. We had a gentleman from Kensington up on yesterday to inquire into the matter. He is the person who drew up the programme, and is much interested in the carrying of it out, because it is a new departure in Kensington. Last year we passed 210 in drawing,

we passed 71 in mathematics, a number in wood, light, and bent, and 33 in chemistry. But with regard to the drawing, the schools are now arranged so as to suit their requirements, and in that model drawing is one of the matters required.

1939. Then every boy in his class learns drawing of some sort?—Yes.

1940. How high does the drawing teaching go?—Up to model drawing.

1941. Rev. Dr. MOLLOY.—Do you find that the knowledge of drawing is of great use to your boys in after life?—We have come to the conclusion that is every man in the world drawing is very important, but it is indispensable to a tradesman, it is the best technical part of his education.

1942. Then, in fact, even for tradesmen, the teaching of drawing is practically laying the foundation of his future success in life?—It is, and we find that the boys who leave our schools and have taken to the mechanical trades have risen in them, have always come to the front.

1943. Lord Justice FRINGHAM.—What amount of money are you able to get from South Kensington by way of results fee?—The average is £120 for the two years we are in connexion with them, and we had there in £40 expense in working it.

1944. That includes the necessary appliances?—Yes.

1945. Have you any special expenses for teachers?—No; the Brothers teach themselves.

1946. Does the £40 represent the cost of appliances, and the fees to be paid for notices and entrance?—Yes; all the correspondence and expenses.

1947. How many of your 2,100 boys pay school fees?—We have 590 who pay nothing; we have 600 who pay one penny; 300 who pay two pence; 375 three pence; 243 four pence, and 330 six pence per week.

1948. How are the fees graduated from say six pence up to six pence?—It is left altogether to the parent. On receiving the bill they are asked what sum they could pay to help or subsidize towards keeping the schools in proper condition for the children, and arrangements are made to keep to that.

1949. About how much does your school income amount to in the year?—About £200; that is not sufficient to keep the three establishments in order, we have to supply all the requisites and fees for nearly six months of the year, and then we have to pay school teachers out of that.

1950. What is the qualification for paying nothing?—Simply the circumstances of the parents. They are all very willing and very disposed to give whatever they can, and once they say they are not able to do so we take that as a sufficient guarantee.

1951. Does the inability to pay, once it is established, in any way prevent the boy from being promoted on to a better class?—Oh, no; on the contrary the boys who pay six pence a week are not confined in any particular class; they are children of six, and boys of sixteen. We have boys in our intermediate class who pay nothing at all.

1952. Rev. Dr. MOLLOY.—The payment then is regulated by the capacity of the parents, and not by the educational advantages which the boy enjoys?—Oh, no.

1953. Lord Justice FRINGHAM.—Then a quarter of your children are not able to pay a penny a week?—Yes.

1954. What outlet have you for your boys—what becomes of them; what arrangements have you made, if any, for lodging them out in the world?—We have made no arrangement; but from the regulation of the school we are called upon by the gentlemen of the city, of all denominations, to send boys to different offices. This morning I have a call for three to very respectable positions for clerks and workshop business.

1955. Do you teach book-keeping?—We do.

1956. Do you teach shorthand?—Yes; several have gone on to the Press for the last four or five years.

1957. What positions in life have your boys attained to that you could mention?—They have attained to all the professions. A large number of them have gone to the Church. I counted, I think, about 100 who had become priests during my own time.

1958. Do you mean during the thirty-six years?—Yes; that would not represent all.

1959. About what per centage go into the Church?—I could not say, it is spread over so many years, but a great many go on for the Church. And I find from letters from America, and from what I can learn from tourists who come over, that a large number become priests in America, and attain to other professions.

1960. Have you any in good positions in commercial life?—Yes, they attain to the highest in the city, and in the States, and in England.

1961. Are you able to do anything for them at starting in life?—We have a small fund at our disposal which enables us to give an outfit and a little towards the start in life of those that require it.

1962. What is that fund?—A Mr. Fitzgerald of the city left £1,000 to us, he was an old pupil of the school himself and contributed during his life time £30 a year towards the institution, and when dying bequeathed £1,000, two-thirds of which is to go towards the fuel and clothing, the other one-third comes to the community and helps in £9 8s. 2d. a year.

1963. You mean the food and clothing of pupils?—Yes; and then Mr. Nicholas Mahony, of Harney, gives us about £22 annually for the same object.

1964. I presume you limit that to boys who cannot provide for themselves?—Oh, yes, and we have to dispose of it in a very private way. We find any public distribution of charity in that way rather tends to demoralize them than anything else, and when it is done privately the child or his parents receiving it without the knowledge of others, it keeps up his own self-respect.

1965. I believe the principle of your order is combined religious and secular instruction?—Yes, that is the principle from the foundation.

1966. Are the boys in your school all Roman Catholics?—All.

1967. And so of course are all the members of the Order?—Yes.

1968. If grants and aid from the National Board were available for your schools would that give you ample funds for all you require?—I have made a calculation and I have made inquiries from others who are in connection with the Board, and I find what is allowed at present would not be sufficient to meet the requirements of such establishments as ours, they are very large and necessarily the outlay must be very great.

1969. Rev. Dr. MOLLAY.—You mean what is allowed, ordinarily?—For capitation and for results of the examinations of the children.

1970. Lord Justice STAMM.—And for salaries also?—Well those who get capitation won't get salaries.

1971. Lord Justice FRINGEMAN.—Have you any idea of what the ordinary National Board capitation grant would amount to for your schools?—On the average attendance it would be 12s. 6d. a head if we retained the highest class, if not it would fall to 10s., that would be £1,100 or £1,300.

1972. Dr. TRAILL.—If you were paid according to the ordinary grants you would get salaries and not be limited to the capitation fees, would you not in that case get a great deal more?—I think it would amount to about the same.

1973. Would not result fees and salaries amount to more than the capitation fee?—Along with the capitation there are also the result fees, convent schools and religious men in connection with the Board get

not only the capitation but they also get the result fees, those two are equivalent to the payment of a teacher together with the result fees that he would be allowed, I think they would come to about the same sum.

1974. Lord Justice FRINGEMAN.—At all events you would get, if in connection with the National Board, £1,100 or £1,300 a year more than you have now?—We would, but then they would require also that we should raise the teaching staff to the number that they have laid down, which would involve double expense.

1975. Dr. TRAILL.—But if you had that grant in addition to what you have got you could work splendidly?—I find to work such an institution as I have here at present in the city, the Peaseholme, Harney-street, and Sullivan's-quay Schools, the National Board would expend upon them about £3,000 a year; to work such a thing satisfactorily on our numbers I think would require about £3,500, that is to do full justice to 2,100 children.

1976. Rev. Dr. MOLLAY.—Have you ever calculated how much you would get from the National Board if they paid you upon the same scale, according to the number of your pupils, on which they pay the Model Schools?—Well, I have calculated that a Model School having 600 children in it, irrespective of repair of schoolhouse, of rents, or of anything else, simply the teaching staff alone, including the result fees of the children, would come to about £1,500. I have over 1,800 and I calculate the cost would come to £4,500. Then making allowance for our people living in community I might take off £1,000, so that to do full justice to the three establishments I think an income of £3,500 would be necessary.

1977. Lord Justice FRINGEMAN.—Do you mean with an income of £3,500 your establishment could have full justice done to the pupils?—I believe there is full justice done to them at present.

1978. In one sense it is such, your staff is too small?—The work on each Brother is double what it should be.

1979. Rev. Dr. MOLLAY.—You think it could be efficiently worked, and with full regard to the health of the Brothers, if you had £3,500 a year?—Yes.

1980. Dr. TRAILL.—Then the increase of £1,100 a year would be a benefit to you?—Yes.

1981. Lord Justice FRINGEMAN.—I understood your existing expenditure on the place was £2,300?—Yes.

1982. If you were in connection with the National Board you would get £1,100 or £1,300 more?—Yes, but you must remember a portion of our income is got from a charity sermon and collection through the city, made in October.

1983. Rev. Dr. MOLLAY.—You think you might lose your claim on that portion of your present endowment?—I think that in justice to the people such provision ought to be made, that they would not be taxed several times for the same object.

1984. Lord Justice FRINGEMAN.—That is if the State paid the whole cost, but most National schools have subscriptions from private benevolence?—I think the demand at present is too great upon the people.

1985. What is the difficulty, to put it shortly, that excludes your order from National Board grants when other orders are in connection with the Board?—Well, it has been often stated to the Commissioners; it was stated in 1854, it was stated in 1859, and it was stated on Lord Rose's Commission a few years ago, and as far as I can see, it is simply this: Our institution was founded in 1853, by Brother Ignatius Rice, a merchant of Waterford. He established it for the purpose of combined religious and secular education. Statutes and religious emblems were put up in the schools, and books were got written by the members of the institute, containing religious lessons—in a word, the whole working of the body was on the fundamental principle of a combined religious and secular education.

Oct. 14, 1887.

Rev. Brother  
James  
Frimanick  
Barron.

Oct. 14, 1880.  
Rev. Brother  
James  
Donohue  
Dublin

of the child. Then the Board was started in 1833 on a different principle, that is, combined secular and separate religious education. Our Brothers then thought it would be a departure from the original principle of the Institute to take down the statutes, which the Board would require, and to adapt the Board's books, and give up our own, and rather than do that they continued to work on independent of the Board. The Board, all the time, made no advance towards them in the way of receiving them into connection with it by allowing any of those things which the Brothers considered of vast importance, in fact, fundamentally required in their Institute, and that has kept the Institute from any connection with the Board up to the present time.

1885. Then the two points as, I may say, has been stated everywhere, narrowed themselves to the use of your own books and permission to keep religious emblems in the class-rooms during the time of secular as well as religious instruction.—Yes. We have seventy houses, and we thought it would be very strange that we should take down all our religious emblems; we would look upon it as a kind of apostasy for the sake of any pecuniary advantage we might get from the Board.

1887. Dr. TRAILL.—Suppose the State yielded that point about the religious emblems, considering there are no boys of any other denomination attending, do you think that the State contributing the money of the taxpayers of all the community should not have any voice in approving of the books used?—One of the late Chief Secretaries of Ireland sent for a set of our books on the occasion of a Member of Parliament asking why our books were not on the Board's list, and he stated publicly in the House of Commons that he had read over all our books and did not see any reason why they should not be on the Board's list.

1888. Would your order amount to a rule that the books should be always subject to State inspection, because you might change them?—Oh, certainly.

1889. Lord Justice FitzGibbon.—There has been no difficulty about submitting your schools to inspection or your books for approval.—I think not.

1890. Dr. TRAILL.—Would you think it necessary to teach history in your schools, though it should not be on the programme of the Board?—Certainly; we have made that a fundamental principle from the beginning, and I think that is another reason why the Institute never connected itself with the Board. I remember one occasion when Sir Lyon Playfair called at Marlborough-street Training College and asked for a class on Irish history, and when told by Mr. Joyce, the teacher, that it was not taught, expressed his great surprise that it should not have been taught there, and said such a thing as that would not be tolerated in England for a moment. That, I would mention as a third reason why we never connected ourselves with the Board.

1891. Do you teach English and Irish history?—Yes.

1892. Lord Justice FitzGibbon.—Is not that a subdivision of the other difficulty, for if you could use your own books you would have histories amongst them?—We have histories both of England and Ireland written by the Brothers themselves as well as a Universal History epitomised by Fred.

1893. I understand the first endowment you have is under a will of Dr. Bory?—Yes.

1894. In 1880 it is reported as having been a bequest under a will, 17th February, 1835, invested in the purchase of free-trade lands let upon lease which would expire 1910, at the annual rent of £416 18s. 8d., is that property still in the same situation?—In the same situation save for the last two years the rents from it have not been equal to what is stated there.

1895. Where are the lands?—Beyond Macroom.

1896. Are they agricultural lands?—Agricultural.

1897. Are the leases, so far as you know, within

the recent legislation by which the rents are made subject to variation?—They are subject to variation, but I have heard from a good authority that Miss Parnon, who is the intermediary between our community and the tenants, gives them liberty to go into the courts, and I believe very few did.

1898. Then you receive this as a bulk rent from one tenant?—From one tenant.

1899. But her lease will expire and you will then come into direct communication with the other tenants?—Yes.

2000. You said you did not get the full amount.—We had to make her an abatement of one-eighth, she gave double that to the tenants.

2001. They got twenty-five per cent. and you gave her twelve and a half?—Yes.

2002. How long has that abatement continued?—Last year it commenced, and this year they require it again.

2003. What proportion does her rent bear to yours?—Very nearly double, we have to pay £450 the rent, we have to pay our portion of the taxes and also the income tax, and that for some years past has been returned.

2004. Then she has an equal amount to what you have?—Yes.

2005. Who is the legal owner of your interest in these lands?—The lands are vested in two gentlemen of the city, and two of the Brothers.

2006. I find in 1880 the trustees were Francis Lyons, Thomas Lyons, and two members of the community?—Yes.

2007. Are those trustees still living?—They are dead, but they have been replaced.

2008. By deed?—Yes.

2009. Who are your present trustees?—Young Mr. Tom Lyons, son of the late Tom Lyons, is one, and we have not yet got one to represent Mr. Frank Lyons, who died recently.

2010. As regards this, you heard what I said this morning, one of the things we can do for you if you decide—Go otherwise it is quite clear your schools are exempt—would be to get rid of the necessity of any more deeds, by incorporating a couple of laymen and one or three of your order, who would hold your property once and for all in trust for the existing purposes. The next endowment I find was donations and legacies invested in the purchase of houses in tenements in Portadown, Bantry-town, and Sullivan's-buoy, sold by weekly auctions, and, in 1890, producing a profit rent of £236 18s. 4d. 1.—They are small premises adjoining Portadown-hall School, erected by sum of money given by friends from time to time as an investment for a double object, as is stated in the report of 1891, that is of elevating the people by giving them suitable dwellings to live in.

2011. They are something in the nature of artisan dwellings?—Yes. I believe that one of the first elements in the elevation of the lower classes will be the giving them comfortable houses.

2012. A bout how many of those houses have you, and what do you get for them?—The rents at present are much the same as what they were, they have not fallen anything I may say.

2013. How do you manage the property?—We have an agent who collects the rent weekly, and renders an account every Monday morning to me of what he gets.

2014. In whom is that property vested?—In three Brothers only.

2015. I need not tell you that if you put your property into corporate hands, all the property should go into it, you can have any number of trusts but only one body to hold them.

2016. Dr. TRAILL.—What percentage do you pay the agent for collecting?—One shilling in the pound.

2017. Lord Justice FitzGibbon.—There is a profit

part of £17 13s. 6d. arising out of a house and lands near Ballinacorney, and £9 out of a house in Donnickstreet, Cork. Have you both those properties?—Yes, held yearly.

2018. Who hold those premises?—Three members of the order.

2019. Have you executed deeds conveying them?—Yes.

2020. You must have a good supply of deeds by this time?—Yes.

2021. Dr. TRAILL.—And it costs you a good deal of money?—Yes, we want a change in that respect.

2022. Lord Justice Fitzgerald.—Next a bequest of £800 lent on a mortgage, the Kelly bequest?—We had to borrow about £860 in order to purchase the estate, the sum left by Dr. Barry was not sufficient, and the interest had to be paid on that borrowed money until this gentleman, a leather merchant in the city, left that money. The mortgage was then paid, and since then the interest has come into the community.

2023. You have now got the capital of the mortgage?—We have.

2024. Has it been paid off?—Yes.

2025. Dr. TRAILL.—How does it bring you any interest if you paid it off to get rid of the debt?—The £800 was borrowed, and out of the result of Dr. Barry's estate the interest on that £800 had to be paid.

2026. Lord Justice NAHER.—You have not got £860 distinct from the estate at present?—No, we have paid off the mortgage.

2027. Lord Justice Fitzgerald.—When did that transaction take place?—About fourteen years ago.

2028. It was returned after paying £800 lent on mortgage, bringing you in four and a half per cent.?—It was because it was not paid off at that time; the £800 that we got from Mr. Kelly was given to the party who lent that money, and since that time the interest that was going to the mortgagee, becomes a part of the income of the community.

2029. Dr. TRAILL.—Then it is merged in Dr. Barry's bequest?—Yes.

2030. Lord Justice Fitzgerald.—The next item is the sites of your three school premises; they were sold to be subject to £30?—Not the three premises but the residence and Pookochoo-lane School; we have a share, and the land rent is £30 each. We have to pay Lord Cork £15 for the rent of the Elmsay-street schools, and he allows £10.

2031. What is your tenure there?—I think unlimited; the Sullivan's-quay had a lease rent on it of £30, we borrowed money and paid that off altogether so that £30 now forms a part of the income of the community.

2032. Who own your interest in those three sites?—Three of the Brothers.

2033. And have you again to execute deeds with respect to those?—We have.

2034. Then you have five or six sets of trust deeds going on at the same time?—We have.

2035. You said you got £1,000 from Mr. Fitzgerald for special purposes?—Yes, that is in Chancery, we only get the interest.

2036. By whom is it paid to you?—It is lodged in the Hibernian Bank to my credit, twice a year.

2037. You don't happen to know how it came into Chancery?—He did not leave the principal to me. He left it in such a way that it is administered by the Courts in Dublin.

2038. Lord Justice MAHE.—How long ago is it since this money was left?—No more than five or six years.

2039. Who was the solicitor that had the winding up of the estate?—I don't know how it was done; we were not aware he had bequeathed anything to us until we got the intimation of it. He left money to several other institutions on the same terms.

2040. Lord Justice Fitzgerald.—You don't happen to know what it is invested in?—I do not.

2041. What is the amount paid to you?—£29 4s. 6d.

2042. Then it must be Three per Cent. 1.—There is something kept back, I think, for the administration of it.

2043. That is another matter we might save you; are there any other money fund investments?—Mr. Gould left us some money a few years ago that brings in four per cent.

2044. What is that invested in?—In estates which were left, and which had to be repaired, so that they had to be, I may say, rebuilt anew.

2045. In whom is your interest in those vested?—In the same three members of the community, the Superior-General and one of the assistants, and my name is generally inserted. The Superior-General is elected for life.

2046. Whenever there is a change, do you have a new set of deeds?—Not until the death of one trustee takes place.

2047. Lord Justice NAHER.—Does this property belong exclusively to the Cork Christian Brothers?—Exclusively.

2048. And have any of the other houses of your order any control over it?—Not the least. Whatever is left in any particular locality for the education of the children of that place must be kept for that place alone.

2049. Is there any control over it except the control of the Brothers of the particular house?—There is; the Superior-General has control as far as the disbursement of the money is concerned; he has to see that the money is received and properly disposed of.

2050. He has got a governing power over you as regards the carrying out of the trusts?—Yes.

2051. Dr. TRAILL.—Your teachers are very hard worked?—They are, too much so.

2052. How do you provide for them if broken down in health?—That is one of the things that should be attended to in any provision that would be made for our houses. In many cases the members are a little too passive in that respect. There is no provision at all made for the sick, or the aged, but the Superior, notwithstanding, has to provide, as best he can, when any such case or cases occur; therefore, in outlining what would be necessary for a community of any number of Brothers, regard should be always had for some provision for the sick or aged.

2053. If your staff get ill how do you replace them, have you a reserve fund?—The Superior-General has always a reserve body, and in case of the illness of any particular member I have simply to telegraph or write a letter that another is required, and one will be sent probably by the next train.

2054. Lord Justice Fitzgerald.—All the property that you have mentioned has been expressly provided for the education of poor children belonging to a particular area, namely, Cork?—Yes.

2055. In that case under our statute, if a scheme be settled the property must be applied for the benefit of those children; but we must now make a declaration that these schools are exempt from the jurisdiction of the Commission, except with the written consent of the existing Governing Body.

2056. Dr. TRAILL.—How many years' training do the Brothers get before you put them to such responsible business as the education of the Intermediate class?—About eight years.

2057. Where are they trained?—They receive their training in the Novitiate in Dublin, and then they are sent to any house that requires their assistance, and their studies continue there up to the time of their profession, which would be about eleven years after their entrance, but they would be qualified to teach this superior class in about eight years.

2058. Rev. Dr. MONTAG.—Part of their training consists in teaching the lower classes?—Their training first consists in going through a programme laid down by

Oct. 14, 1897.

Rev. Brother  
James  
Dunick  
Burke.

the order, and also seeing how school business is conducted by superior teachers. They are also examined annually on the science of teaching.

2059. They get some practice in teaching!—Oh, yes, under the experienced Brothers.

2060. Dr. TRAILL.—But, I suppose while they are actually engaged in a school like yours it is almost

impossible for them to have time for private reading!—We rise early, we have time before school, and we generally leave, with the exception of walk evenings, two or three hours in the evening, and we have Saturday.

2061. You do wonderful work!—I can myself put in a chair, for I lost one of my eyes by hard work.

Timothy Mahony, J.R., sworn.

Timothy  
Mahony, J.R.

2062. Lord Justice NASH.—I believe you are a member of the firm of Mahony Brothers, of Kilmory?

—Yes.

2063. And you take a great interest in the Christian Brothers' Schools in Cork?—Yes, and I have always done so.

2064. Mr. Burke gave us a very full account of the working of the school and of the endowments, and we would be glad to hear any observations or any suggestions you wish to make!—Being one of the chief maintainers, I may say, who was connected with the Christian Brothers' schools—my memory goes back nearly sixty years in connection with them, since I was a child—I had the pleasure of being intimately acquainted with the originators of the school, the two brothers Leonard and all those who succeeded them, and I have had for a very long time the advantage, and our firm had the advantage, I believe, in my father's time, of having the staff for our business recruited from their schools.

2065. Do you get a large number of young men who have been educated at these schools?—The principal part of our staff from time to time. In fact, just before coming over here, I went through the staff of our town workhouse, in which there are eight clerks, and wool sorters and others, amounting to forty-two in all, and of those forty-two had passed through the Christian Brothers' Schools, and one was at the National School. Their wages range from 45 10s. down to 6s. or 8s. per week, but on an average good and substantial wages, and they stay with us so long that they move up and get higher wages by rotation yearly. We have the wisest confidence in the manner in which they are educated, not only as to their classical education but also their moral training, in fact, we never had occasion to take security for any of our clerks as long as I can recollect.

2066. Do you get any of your staff at Kilmory from the Christian Brothers' Schools?—Some few, we must recruit our staff from those who have residences about.

2067. The few you do get are clerks?—Yes.

2068. Do you get any of your staff that superintend the school manufactures?—Some of our staff got educated in our place and become superintendents of the concern. Four or five out of eight clerks can translate French freely, which is an advantage, and one or two can even make an attempt at German, these are men who have been educated at the Christian Brothers' Schools. In a general way, apart from my own experience of our concern, I have known many boys who passed through their drawing school, and they have always succeeded in life. In fact, no one who has resided in Cork and observed things can fail to know that the principal traders of Cork, the majority of those who now do trade in the city, are men who owe their education to the Christian Brothers' Schools in a great measure, and some of these, as many people know, have attained to the very highest eminence.

2069. Is there any suggestion you wish to put before us as to the working of the schools?—The only suggestion I could put is as regards money. That the Christian Brothers can educate such an immense number of boys, and in a manner which must be admitted to be perfect, for the sum of money that they receive is little short of a miracle. And,

if it be desirable that such a system as the Brothers have established should be continued, a great deal of money in aid of such an education would be certainly useful and necessary. Were it not for accidental circumstances of various kinds that throw money into the Christian Brothers' Schools, it would be impossible for them to give the education to the number of boys they have under their charge. That is my firm belief. I don't know whether Mr. Burke put that matter before you, but it is a thing that strikes those who are interested in the poor at present.

2070. Rev. Dr. MONTAGU.—From your experience of Cork, it is your opinion that the education given by the Christian Brothers is eminently suited to the wants of the bulk of the population of Cork?—It must be admitted by anyone who will give it calm consideration.

2071. And you think they have a decided claim upon any public endowment that may be available for the promotion of education?—The first claim I would say, without fear of contradiction. If it is possible to suppose that 2,500 boys could be educated in the manner the boys are educated there for an average of about 30s. a head—that is all it costs—I would ask anyone to take up the records of any other school, and see the small amount of education that could be had for the same money.

2072. Lord Justice FRERES.—It is a gain at a head, according to Mr. Burke—What other school could accomplish it for the same money?

2073. Rev. Dr. MONTAGU.—They get no money from the State for the work they do?—No money from the State.

2074. Lord Justice FRERES.—Except the Intermediate.

Rev. Mr. Burke.—That is not money from the State; it is the Church Endowment.

Lord Justice FRERES.—I quite agree with you; but they put it into the Act of Parliament as if it was something they were giving us.

Mr. Mahony.—I think experience will prove such a thing is not accomplished under any other system.

2075. Dr. TRAILL.—How would you be inclined to get over this difficulty about the books?—I think things should accommodate themselves to circumstances.

2076. Do you mean the books should be accommodated to the State requirements, or that the State should accommodate itself to the circumstances?—It all depends on what you call the State—whether it is the State should control or the people.

2077. Do you think any books used by any community should not be subject to State inspection?—They may be subject to State inspection—certainly.

2078. Lord Justice NASH.—I presume, if the rules of the Board were so altered that the Christian Brothers could come in and get a share of the National Board grant as other bodies—such, for instance, as the Presentation Brothers—that would go some way towards helping them?—If the rules were such as the Christian Brothers could avail of, it would be a great blessing and advantage to the community generally.

2079. Lord Justice FRERES.—Mr. Burke stated there was no difficulty about inspection, and now about submitting their books for approval, but that they could not give up their books, if they were fit to

be approved, which they believed them to be, and also having religious emblems in their schools was a thing they would not give up!—I don't think they ever will, or that it would meet with the approval of their constituents or fellow-citizens if they did.

2080. Rev. Dr. MILLER.—The parents of the boys who go there are perfectly satisfied with the system passed!—Most certainly.

2081. Therefore there is no change wanted in the system of education passed, but only a change in the rules of the Board of National Education!—If it is the greatest happiness of the greatest number, the Board are the smaller number.

Dr. TRAILL.—But the Board represent the larger number.

1887-88, 1887-88.  
Monthly Meeting, 22.

## PRESENTATION BROTHERS' SCHOOLS.

Rev. Brother W. F. Shaw sworn.

2082. Lord Justice FRYGROVE.—Are you a member of the Presentation Order?—Yes.

2083. You have a school at Douglas-street?—Yes.

2084. That school appears from the report of 1880, to have been built with the proceeds of a legacy from Mr. Thomas Rockford, under Will of December 24, 1831?—Yes, portion of it.

2085. Is it a primary school?—Yes. The schools had been in connexion with the National Board before I became a member of the Order, nineteen years ago.

2086. What number of pupils have you?—The number on roll at present is 2,510 in all our schools.

2087. What number of schools have you got in Cork?—We have seven, the Greenmount School, the Lancasterian School, the Monastery School, Douglas-street, the Intermediate and University School, Grand Parade, the Civil Service School, and the Industrial School.

2088. Dr. TRAILL.—They are not all in separate buildings?—All these are in separate buildings, except the Civil Service School which is portion of another school.

2089. Lord Justice FRYGROVE.—Take the first, Greenmount, what is the character of that school?—The Greenmount School is also under the National Board; number on roll 811, number in attendance during the week 430.

2090. All are male schools?—All male schools.

2091. How are your premises at Greenmount held?—They are held from the Lords of the Treasury for 999 years at a rent of 30s. a year.

2092. Dr. TRAILL.—Was it public property, or used for a public building before you got it?—No, it was given by the Corporation to the members of the community.

2093. I thought you said it was a lease from the Lords of the Treasury?—Yes, but the grounds were given by the Corporation.

2094. Lord Justice FRYGROVE.—What extent of land have you got there?—About one acre.

2095. Dr. TRAILL.—Did you erect all the buildings?—We erected all the buildings.

2096. What had the Lords of the Treasury to do with it. Why did you not get the Corporation to give you a lease direct, if they gave you the ground?—I really don't know.

2097. Lord Justice FRYGROVE.—Do you pay the 30s. a year to the Treasury?—To the Corporation.

2098. Then it must be a lease of municipal property from the Corporation with the sanction of the Treasury?—Yes.

2099. What is your second school?—The Lancasterian School, in Great George's-street, which is also a National school.

2100. Was it originally a Lancasterian school building?—Yes, it was.

2101. How do you hold it?—As far as I am aware, there is no lease of the place, but it is in our possession since 1827.

2102. Do you pay any rent out of it?—No rent; we have held it free since 1827.

2103. You have no deed or document of title that you know of?—No.

2104. Do you know how it was used before you got it?—It was used as a school under the system of Joseph Lancaster, that was the reason it was called the Lancasterian School, it was managed for a number of years by secular teachers, and in 1837, the trustees gave it to the community.

2105. Dr. TRAILL.—Who were the trustees at that time?—I have not their names.

2106. Lord Justice FRYGROVE.—The numbers in that school?—636 on the roll, 472 present during this week.

2107. The third school?—Douglas-street School.

2108. That was the school in which Mr. Rockford's money was spent?—Yes, a portion of Mr. Rockford's money was spent in that.

2109. Is it also a National school?—Yes.

2110. What is the attendance there?—Number on roll 825, number in attendance during the week 435.

2111. Is it liable to a rent?—Yes, the rent of the Monastery Schools and premises adjoining is £20 a year payable to the South Presentation Convent.

2112. Are they your landlords?—They are.

2113. Do you know how they hold it?—No.

2114. What is your rent?—From 800 to 900 years.

2115. The monastery building is on that site?—Yes.

2116. Is that also a purely primary school?—Yes, under the National Board.

2117. What is the fourth school?—The fourth is an Intermediate and University school, 42, Grand Parade.

2118. How do you hold the house there?—We rent it.

2119. Have you any tenure of it?—No, we are building a school on the Marlyke, and I hope we will be able to transfer the pupils from the school on the Grand Parade within the next month to it.

2120. How do you hold the new premises at the Marlyke?—We have a long lease at £20 a year.

2121. To whom is the lease made?—Two members of the community and the Bishop of Cork.

2122. What pupils have you there?—A hundred on the roll, ninety in actual attendance.

2123. Kindly describe your system of teaching in that school?—In that school the children are prepared for the Intermediate examinations, University, and also some for the Civil Service. At the last examination forty-one presented themselves for examination, thirty-two passed, five of these got exhibitions, four of £20 a year, and one of £15. All in the junior grade.

2124. Did you send up any pupils in the other grades?—Two in the middle grade only. In the junior grade one pupil got a medal in Natural Philosophy, one got third place in Latin, third place in French, and third place in Chemistry, and another third place in drawing.

2125. Are you in connexion with the Science and Art Department, South Kensington?—We are at present, but we were not during last year.

2126. Have you means of teaching Natural and Experimental Science?—Yes.

Rev. Brother W. F. Shaw.

Oct. 24, 1882.

Rev. Doctor  
W. F. Shaw.

2127. Are your pupils free?—No, all are paying pupils. The fees range from 15s. for infants to 30s. a quarter for advanced pupils.

2128. What do you call infants?—Children under nine years of age.

2129. Do you take pupils so young as that?—Yes.

2130. Dr. TRAILL.—Do you mean in the Intermediate School?—Yes.

2131. How can you call it Intermediate when there are children of that age there?—Although some are young, a good many more are advanced.

2132. Lord Justice FRASER.—I presume they are children of the better classes?—They are.

2133. Rev. Dr. MOLLOY.—They are children who come to you with the object of getting Intermediate education, but a certain number of them begin with primary education?—Yes.

2134. Dr. TRAILL.—How many of the hundred are under fourteen years of age?—I should say about thirty.

2135. Lord Justice FRASER.—In point of fact you have got a preparatory school attached to the Intermediate?—Yes.

2136. In one sense it is primary, but the pupils are children of the better class getting an education leading on to the Intermediate?—Yes.

2137. I understood you to say there is a University department?—Yes, students are also prepared for the University. In the present year two have matriculated, and two passed the First in Arts.

2138. How many are engaged in teaching in that school?—Four.

2139. Rev. Dr. MOLLOY.—We may take it that out of 100 there would be fifty reading the Intermediate or University course, and that the others are preparing to come up to that course subsequently?—Yes, either for the Intermediate or the University.

2140. Dr. TRAILL.—Trinity College, or the Royal University?—The Royal University.

2141. Lord Justice FRASER.—Now the last school?—The Civil Service School.

2142. Where is that?—That is in Great George's-street.

2143. How do you hold your house there?—That is portion of the Lancasterian School, but not connected with the Board.

2144. Is the school in premises held under the same title as the Lancasterian School, that is without any title except length of time?—Yes.

2145. What are the number?—The number on the roll in that school is fifty-one, and the school attendance forty-five.

2146. Describe your special education there?—In that school they are principally prepared for the Civil Service; within the last twelve months thirteen passed for the Civil Service, some Customs, and some the Excise. In the last seven years, eight passed for men clerkships, sixteen for Excise, and fourteen for Customs.

2147. Do these pupils all pay fees?—Not all, probably about forty of the fifty-one pay.

2148. What are your charges?—They vary; a boy from our primary schools will get a free place if he is not able to pay fees, if he is able whatever he can pay is taken from him, but boys coming from other schools have to pay from £1 to 30s. a quarter.

2149. Then the free pupils are selected pupils from your primary schools who are not able to pay?—Yes.

2150. Are the free places open to all pupils who deserve them and are not able to pay?—Yes.

2151. Then those five constitute all the establishments of your order?—There is also an Industrial School in Greenmount, but it is not attached to the public school.

2152. Is it on the same property of which you have given us the title already?—No; it is also held in trust by the committee.

2153. Do you mean a committee of the Order?—

Some members of the Order, and the Bishop of the diocese with some lay gentlemen.

2154. Are you certified under the Industrial Schools Act?—Oh, yes.

2155. What number have you there?—105, all industrial children committed under the Act. It is the only male Roman Catholic Industrial School in Cork. The Treasury grants a certain allowance, and the local authorities a supplementary allowance.

2156. Dr. TRAILL.—How much per head per week do you get?—It varies according to the district we get the children from. From the city and county of Cork we get 1s. 6d. a week, from Dublin city and county, 2s., and the other counties about 1s. over and above the Treasury Grant which is 5s. a week.

2157. Do the grants keep the institution going?—Yes.

2158. Why do they send there to you from Dublin when they have industrial schools there?—It appears they have not a sufficient number of industrial schools in Dublin for the number of children, sometimes the children are young, and they are sent to a preparatory industrial school for younger children, and then they are transferred to our school.

2159. Lord Justice FRASER.—What fees are available for the maintenance of your institution?—We are paid by the National Board, we get subscriptions, and fees from the Intermediate Board.

2160. Could you tell us the amount you gather year from the Intermediate Board?—About £38.

2161. Have you any invested endowment?—The only endowment we have is a portion of the bequest left by Mr. Rochford.

2162. That is of £500 left in 1831?—Yes.

2163. What do you receive from that?—£24 a year.

2164. How is it invested?—It is lent on mortgage on houses property in Greenmount.

2165. Who represents you in the mortgage?—Some members of the community.

2166. Then it is held under deeds?—Yes.

2167. Are the trustees named in the last deed also?—Yes.

2168. Lord Justice FRASER.—You have altogether 2,316 pupils on the rolls?—Yes.

2169. How many of these are on the rolls of the schools in connection with the National Board?—About 1,070.

2170. What amount of grant did you get from the National Board last year?—£1,084 10s. 3d.

2171. Lord Justice FRASER.—Does that include what you get?—Yes.

2172. Besides you get inspection and books?—Yes, the Greenmount School and the school in Great George's-street were examined recently; 643 pupils were examined, and 570 passed, that is a percentage of 88.

2173. Lord Justice FRASER.—Do any of the boys attending the National schools pay fees?—Yes. In the National schools there are 600 free pupils out of 1,070.

2174. What amount did the remaining 1,300 pay last year?—The amount from the three schools under the Board last year was £219 15s. 3d., but none of that goes to the maintenance of the community.

2175. It goes to the maintenance of the schools?—Yes, and we have to supplement that expenditure by some of the money we get from the National Board.

2176. In fact £219 would not be able to maintain the schools?—No.

2177. Lord Justice FRASER.—I presume all your trustees are Roman Catholics?—Yes.

2178. Are the pupils all Catholics?—Nearly all. I don't think we have more than one Protestant, he is attending the Civil Service School.

2179. He pays fees and gets no benefit from your endowments?—None.

2180. Your endowments appear to consist of one

investment, the various properties on which the schools stand, and the mortgage money &c.—Yes.

2181. Have you been able to provide the special instruction which the Christian Brothers appear to give in Natural Science, Art, and things of that sort?—Our pupils get all these instructions in the Intermediate School, and a great many of them in the advanced class of the National schools.

2182. Dr. TRAILL.—Are you in connection with St. Kensington at all?—This is the first year.

2183. You had no difficulty in putting yourself in connection with the National Board?—We have been in connection with the National Board for many years.

2184. But you found no difficulty in connection with this question of emblems and books?—I suppose at the time that question was not raised.

2185. Do you have the emblems exhibited during school?—No, as we had not emblems up, we had not to take them down.

2186. You are satisfied with the books of the National Board?—Yes, the present list of books of the National Board is very much improved, and it could be further improved.

2187. Do you teach any history in your schools?—No, not in the National schools.

2188. Rev. Dr. MANNOR.—You are satisfied to take the grant on the conditions on which they give it?—Yes.

2189. But you think their system could be improved?—Could be improved.

2190. Lord Justice FRYGIMON.—You are exactly in the same position, as far as we are concerned, as the Christian Brothers, we must declare you exempt.

Oct 14, 1887.  
Rev. Brother  
W. F. Stiles.

## ST. STEPHEN'S BLUE-COAT HOSPITAL.

*James Carr Somerville sworn.*

2193. Lord Justice FRYGIMON.—In 1880 you were the head master, agent, and secretary of the Blue-coat Hospital?—Yes.

2194. Have you since continued to hold that position?—I do.

2195. Your institution is managed, I believe, under a scheme settled by the Court of Chancery in 1831?—Yes. (Scheme produced.)

2196. The first provision is that the trustees shall be ten, all Protestants of the Established Church. When any of them shall die, become unwilling to act, go to reside out of Ireland, or come to be a Protestant of the said Church, the other trustees shall immediately meet and elect some other fit and proper person, being a Protestant of the said Established Church of England and Ireland. Provided that five at least of the trustees shall be present at every such election. Then there are powers of holding and managing land, and so trustee himself to take a house, appointing a fit and proper person to be receiver. They are to fix one day in every quarter for their meeting. It shall be the duty of the schoolmaster and his assistant to attend at every Board and act as secretaries. The funds are to be applied:—First in payment of a yearly sum of £250 late currency, reserved by a grant of 2nd September, 1699, to William Worth, his heirs and assigns, to be paid to four students of Trinity College in Dublin provided, and all taxes charged on the hospital and lands, keeping the hospital and buildings in repair; next to pay the schoolmaster a salary of £35 per annum late currency, pursuant to the deed of 2nd September, 1699, and such salary as the trustees shall from time to time order to be paid to the assistant schoolmaster; then to put out as apprentices the boys of the hospital, and to provide them with decent apparel—twenty to be the number of boys to be maintained. Each vacancy in the number of boys to be filled by the trustees in rotation, beginning with the highest on the list. No boy shall be admitted who is not legitimate, or who shall not, as well as his father and mother, be a Protestant of the Church of England and Ireland, and every boy admitted shall be a native of the city or some part of the county of Cork. No boy shall be admitted younger than seven or older than ten. Every boy on attaining fifteen, or younger if the trustees deem expedient, to be apprenticed to such trade and serve so many years at such trade as the trustees think fit. The boys to be removable for misconduct. If at any time the funds of the charity should be insufficient, the trustees at any vacancy may suspend the nomination of one or more boys. A register of the pupils to be kept.

2197. Is the number of trustees full?—The number is full always.

2198. How many of the original ten remain?—They are all dead except the Rev. Edward Newnham,

he has gone to reside in England for some years and has ceased to be a member.

2199. Is the register written up?—The register of boys is regularly kept.

2200. Have you a register of your trustees?—I have.

2201. Kindly give the names of the present trustees?—W. L. Perrier, W. W. Lynam, R. J. Perry, A. Newman, J. W. McMillen, D. R. Sarsfield, H. L. Young, Edwin Hall, and Rev. Canon Evans.

2202. They co-opt to vacancies as they occur?—Yes.

2203. How many boys have you got in the institution?—Sixteen is the number at which we were obliged to stop for some years past. We happen to have three vacancies now which I expect will be filled within a few days, there is a board to-morrow, to admit one of them.

2204. Are there no funds forthcoming to supplement the endowment so as to keep up the number of boys?—We are entirely dependent on the endowment.

2205. Of what does the endowment consist?—It consists of the fee of the lands of East and West Ballinacorney, and the Spittle lands running south and east of the buildings; the rental of all the lands amounts to £430. The reason of only thirteen boys being there is that the boys' time is up at fifteen years, and they were obliged to go. There have been several applications since, most of which were ineligible, that is, born outside the limits.

2206. Twenty is the number provided by your deed, but you may reduce the number if the fund is not sufficient. I understood you to say it had been reduced to sixteen?—I may observe that this was a mistake, there were not twenty boys when the scheme was completed, there were eighteen and they remained at sixteen up to 1818 or 1820 when provisions became so dear it was impossible for me for the small sum allowed to maintain eighteen, and the trustees allowed two vacancies to lapse.

2207. Dr. TRAILL.—Provisions are cheaper now than they were those twenty years?—You don't find meat cheaper.

2208. Lord Justice FRYGIMON.—How are the lands of Ballinacorney held?—By grants, for 999 years, from the governors; they hold in fee.

2209. Are they agricultural lands?—The lands at the south side are agricultural. Those at the north side, at the granting of the lease, were a furze brake, from the commencement at St. Luke's church, on to Silverpark. I suppose by reason of the lengthy tenure they have become the sites of villas.

2210. So that those rents are secured. What about the rents of the agricultural lands?—They are some

Oct. 21, 1887.

James Carr  
Newcastle.

thing better than the north lands, but never extended beyond agriculture.

2298. Does the tenant of your governors occupy those lands, or are they sublet to other tenants?—They are all sublet.

2299. You have no agricultural tenants?—No; we get the bread or ground rent, and in some instances, I understand, there are four or five between us and the sub-tenants.

2300. Have the rents been regularly paid?—Regularly paid; the interest is large.

2301. To whom are they paid?—To me, as the agent. I account with the governors, and the accounts are regularly audited.

2302. I suppose all your boys are members of the late Established Church?—Yes.

2303. And the governors the same?—Must be.

2304. What instruction do you give them?—The instruction is laid down in the scheme, and the scheme is a re-scheme of the old; besides the usual reading, writing, and arithmetic, they are instructed in geography, grammar, and history.

2305. Do you send any of them up to the Intermediate examinations?—No.

2306. Why not?—They are obliged to go at fifteen years from us. If there were any boys that would send up I should have some assistant to educate the boys, because one individual cannot do everything. I find in my experience one thing greatly hampering the master, and that is, that probably four out of every six are sent, coming up to ten years of age, without knowing their letters, and I have all the drudgery.

2307. What class do the boys belong to?—A respectable class, most of whose parents have some better days.

2308. Do children of that class come in to you at ten years of age not knowing their letters?—Yes; the scheme says poor boys, and the parents are poor.

2309. Do you do all the teaching yourself, and the management of the household affairs besides?—Yes; it is plain that the institution was never founded as a purely educational one, but rather more to relieve the poor parents, I should say.

2310. By educating their children?—They are maintained and clothed.

2311. Dr. TRAILL.—Educating, maintaining, and apprenticing to a master?—The days of apprenticeship are gone.

2312. How is the money paid for the maintenance of the poor students in Trinity College?—That continues to be paid all through. The last four students so when we paid it were Mr. Deane—he is not out of College yet; there were two young gentlemen, sons of the Rev. Mr. O'Sullivan, and another; the yearly sum of £30 is divided into four parts, each student getting an equal part.

2313. Have you four students receiving that money yearly now?—No; within the last few months there have been vacancies; the Rev. E. Newman is the personal representative of the founder, and he generally nominates, and I have not received instructions yet.

2314. Do your trustees visit the institution?—We have one who visits every week, and the Board meet up there occasionally.

2315. Dr. TRAILL.—The boys for whom they pay in Trinity College don't necessarily belong to your school?—No.

2316. Lord Justice Fitzgerald.—Where do the trustees meet?—They are summoned legally to be at the establishment every quarter day.

2317. Do they attend?—And they attend.

2318. What number of the ten trustees usually attend?—Sometimes latterly we had not a quorum at the hospital.

2319. Why do you say "sometimes latterly"?—I mean within the last few years. There are a few of the gentlemen that have not been very strong in health of late, and to accommodate them we met at Mr. Ferrier's office.

2320. It was represented in 1858 that the state of instruction in the school was very unsatisfactory, that five members constitute a quorum, but that business was occasionally transacted when only three were present. That was stated also by yourself in 1873; does that state of affairs still continue?—Occasionally.

2321. Dr. TRAILL.—Have you got your minutes books?—I have not brought them down. I did not know whether they would be wanted.

2322. Lord Justice Fitzgerald.—About what number of the prescribed four meetings in the year, are you with another, full for want of a quorum?—We have several meetings during the year, and at the majority of them a quorum attends.

2323. Dr. TRAILL.—When was your last meeting held?—Within the last ten days.

2324. Lord Justice Fitzgerald.—What are the arrangements made for feeding and clothing your boys?—You will see by the scheme that the master is allowed £16 a year for each boy to maintain and clothe him, but I don't get sterling money, for all the payments are in the Irish currency, and I get £16 Irish, not British.

2325. And are you supposed to feed, clothe, and teach each boy for £16 Irish?—Not teach, there is £25 a year for that.

2326. What do you give them for £16 a head?—The old system of dietary was oatmeal slabs and meat mornings in the week, and the other milk; now twice a week, and soup twice a week with the meat from which it was made; and potatoes and milk were the other three days' dinners; that has been improved since the failure of the potatoes, the boys get potatoes not more than twice a week, and they get bread then in the milk days instead of potatoes.

2327. Do you think it an improvement to give them potatoes only twice a week?—Very frequently the potatoes cannot be dispensed upon.

2328. What clothes do they get?—A suit of his clothes per annum.

2329. I suppose they want more than one pair of boots per annum?—They get equivalent to dressed boots.

2330. What check is there over the provision of clothing, do the governors look after that?—Not specially, but the governors have the opportunity of seeing that the thing is carried out honestly, that they get their clothes.

2331. Dr. TRAILL.—Do you bring the receipts before the governors at their meetings?—No, because they have entered into an agreement with the master. That has been the custom from time immemorial, he gets so much for clothing and maintaining the boys.

2332. Do the governors visit the institution but time to time to see how the boys are getting on?—Yes, the institution was always very well attended to well lately.

2333. How often do the governors personally inspect the institution, independent of board meetings, have they any relation amongst themselves?—No, but we have one of the trustees who regularly attends every week, the Rev. Canon Evans, and he attends the boys.

2334. Is he in Cork?—He is.

2335. Lord Justice Fitzgerald.—In the report of 1880 Mr. Moore reported, "This institution was in a most unsatisfactory condition both as regards the house arrangements and the school work; the only provision for washing is a filthy bath in a dark, downstairs room, and there were only two or three towels for the sixteen boys. The master's excess, that his boys were clean boys, seems rather paradoxical." Does that state of affairs still continue?—I think the Inspector misunderstood me decidedly.

2336. In what respect?—In the first place that bath-room was a good room, but when he was there it happened to be a very dull day in November, and we could not improve it inasmuch as for centuries back, when the institution was established, the rear of the

concern was a burial ground, and this comes quite close to the wall. Of course nobody living is accountable for what was done two centuries ago when the institution was erected.

2247. The three towels were not of that ancient date. How many towels have the boys among them?—We have plenty of towels, but we find that they don't use more than three or four to a towel among the sixteen.

2248. Then you don't serve out each boy one towel?—No.

2249. What provision have you for washing?—We have one bath.

2250. How many basins?—Two.

2251. For the sixteen boys?—They don't require to be frequently washed in the day. It is true they are as a rule a clean set of boys.

2252. Every boy would want a basin at some time of the twenty-four hours?—At no time. When I find a boy's hands are not clean I send him to the basin.

2253. But when they turn out in the morning?—They are washed in the bath one after the other.

2254. Dr. TRAILL.—In the same water?—Yes.

2255. Sixteen boys in the same water?—Yes.

A lucky fellow, the one that gets in first!

2256. Lord Justice FRYGIMON.—The next paragraph of the report is "The answering in arithmetic, spelling, and grammar, was decidedly bad; in geography somewhat better, and the writing of all the boys was excellent. This had answering is the less excusable when we consider the course of instruction which is very limited." Have you no help in instruction?—None whatever.

2257. "The school, being intended for the sons of reduced gentlemen, should impart a thorough English education, and also a knowledge of mathematics that would enable the boys to compete not only for places in banks but for the higher Civil Service; I do not think this institution is of any use but for the purpose of keeping boys out of harm's way when they are in it."—I never said one word of that.

2258. That is the inspector's report?—He must have misinterpreted me.

2259. Did he not examine them in arithmetic or spelling?—He did. But I never said it was intended for the sons of reduced gentlemen.

2260. That is his own observation?—And that is not right.

2261. What becomes of your boys?—They always get scholarships, and scarcely any of them are apprenticed to any mechanical trade. But, as a rule, the institution has been very fortunate. I had the register before me the other night, once or twice, and I was looking and I was amazed at seeing so many of them in most respectable positions in life, far and away better than I am myself.

2262. Is there anything to prevent day boys from being admitted to this institution, and paying fees and so making it a larger institution with the nucleus of this handsome endowment?—Up to the commencement of this century as I find, for probably twenty-two years, the then trustees allowed the master to take in twenty extern boys, and that privilege was cut off at the commencement of this century.

2263. Are you not allowed to take paying pupils?—No, nor do I think that we would get any now for the simple reason the institution is out of the way. Even since my time, I have been thirty-four years master, there have been numbers of schools, National schools, Model schools, and so on, started up in the city, and now that so much can be done in the way of education they would not think of sending their children so far out of the way.

2264. What provision is there in Cork for the Intermediate education of the sons of people who are

poor, but who had been previously in a better rank of life?—I am not aware of any.

2265. Primary education being supplied by the National Board, does it occur to you that there is a want in Cork of Intermediate Education to be helped by such an endowment as this?—I cannot say.

2266. Dr. TRAILL.—What do you teach the boys yourself?—Besides reading, writing, and arithmetic, they are taught geography and grammar.

2267. Only in subjects of primary education?—Yes.

2268. Do you teach them Latin?—No; I at one time had some smart boys.

2269. Could you not send them to the National school during the day time?—That would be a matter for the consideration of the Board.

2270. But would it not be a great chance to give the boys education at the National school so as to leave your hands free to look after the horses?—It might be.

2271. What becomes of this money that is payable to Trinity College every year?—The students get it.

2272. What students?—There are four students.

2273. You don't pay it directly to the students, do you?—I do.

2274. Who are the four students you pay?—I mentioned them a while ago.

2275. Do you keep accounts every year?—Yes.

2276. How many have you at present on this list?—I think only two now. There are two vacancies, and it is the Rev. Mr. Newnham has the appointment.

2277. Who are on the list now?—Mr. Deane, and I forget the other.

2278. Can you not bring your books here and let us get this information in the afternoon?—Yes.

2279. Lord Justice NAISM.—Have you all the papers connected with this institution?—Yes.

2280. Then you had better bring them here, it would be necessary for us to see them.

2281. Lord Justice FRYGIMON.—We would like to see the deeds mentioned in the scheme, and the Rev. Canon Evans, and we will take an opportunity ourselves of seeing the institution.

2282. Dr. TRAILL.—What becomes of the money in any particular year when you don't pay it to these boys; does it go into your salary or accumulate—the £13 3s. 3d. payable towards the maintenance of four students in Trinity College, Dublin?—There is never a year that they are not on.

2283. They are not on it at present?—That is Mr. Newnham's fault.

2284. But when it is Mr. Newnham's fault what becomes of the money?—It is in bank still, and when Mr. Newnham appoints, we are ready to pay.

2285. Do you keep a separate account in the bank for these studentships?—No, all the money is banked.

2286. Is there an account separately kept for these four boys for Trinity College every year?—I get the receipts, and when my accounts are being audited, I hand in those receipts.

2287. Lord Justice FRYGIMON.—Who audits your accounts?—The accountant of the Protestant Orphan Society, Mr. Penrose.

2288. Dr. TRAILL.—What do you mean by the accountant of the Protestant Orphan Society?—He is in the office; he is a book-keeper or accountant, I think.

2289. Have you got those accounts?—I can bring them down to-morrow.

2290. Lord Justice FRYGIMON.—Is there any education given in the institution at present that is not obtainable in a National school?—No, there is not.

2291. Is there any inspection of the school as a school by anybody?—No.

2292. Has anybody examined the classes to see what they are learning since Mr. Moore examined them in 1879?—No.

Oct. 14, 1888.

James Carr  
Barnerville.

\* It was my intention to have added that everyday, when washing is cold water, the boys get four clean or fresh towels each morning, equal to twenty-eight clean towels in the week; and, they are wiped in between after the warm water. In so many as any boy who has the slightest sign of any sort of contagious or infectious disease, permitted to wash with the others. I would likewise observe that there is a water pipe in the bath room, and a supply consequently always at hand—and finally, we have the warm water ready at the time of the work bath, to remove the dirt supply.—JAMES C. BARNVILLE.

24.11.1882.

James Carr  
Schofield.

2293. Dr. TRAILL.—Any of the members of the Board competent to examine a class?—I don't know.

2294. Do they, as a matter of fact, ever examine the boys themselves?—No.

2295. Or ever ask any inspector to come in from outside to see how they are getting on?—No.

2296. Lord Justice FITZGERSON.—I think you said one of them was a catechist in the school?—The Rev. Canon Evans being a clergyman as well as a governor comes every week and imparts religious instruction.

2297. Dr. TRAILL.—Does he give anything but religious instruction?—No.

2298. Does he not inspect the secular education?—He gives the boys exercises in spelling. I am very glad to hear from your lordship that the Commissioners will visit the place. It was quite a misunderstanding about the condition of that room.

2299. Lord Justice NAUGHTON.—From what was this property originally derived?—It was originally a sequestrated hospital, and it appears that those diseases had disappeared at a certain time.

2300. When was it first devoted to the purpose of the school?—In 1698.

2301. Have you any documents showing the foundation?—The deed of foundation. I can bring it to-morrow. Perhaps it would be no harm to make one remark in reference to those long tenures: the original leasing power in the deed was twenty-one years, and the parties appeared to have thrown up the old leases even before twelve years were at an end, and Baron Worth revoked the leasing power and gave them an extended leasing power. Baron Worth was the founder.

2302. Why do you call him the founder?—It was he founded the educational institution.

2303. Was the property his at the time?—Not his exactly, but he assumed it was his when the necessity for the first trust ceased, and there was no necessity for the other hospital.

2304. It was stated in 1880 that there was a fund of £400 payable by the Corporation of Cork?—£200 Irish of that has been since paid in and re-invested with the remainder of the sum the trustees got as compensation from the Corporation for taking some portion of the garden premises with a view to an improvement which has since been made.

2305. Lord Justice FITZGERSON.—What is it invested in?—In the West Cork Railway Debentures.

2306. Is the interest on the Debentures regularly paid?—Regularly paid.

2307. The Corporate bond in 1880 was for £268 18s. 5d. What is the amount you have now invested in money?—£250. The other portion of that was produced by compensation from the Corporation, as they were contemplating improvements in the locality; they ran through a corner of our land—the garden premises.

2308. You had one acre of land formerly?—About one acre of land. It is not much beyond half an acre now.

2309. Are the premises in Stephen's-street in a useful locality for such an institution?—Now it is, and when first founded; the houses and premises themselves are very fine.

2310. Rev. Dr. MOLLOY.—Is there accommodation in the house for more boarders than you actually have?—The dormitory always, up to 1846, accommodated twenty-two, and we can at any time that there was a fund—we have the beds—and we can have the twenty-two again.

2311. Is that the full extent of accommodation for boarders?—It is.

2312. Lord Justice FITZGERSON.—Supposing you to have twenty-two boarders, how many day boys could you accommodate and instruct along with the boarders if you had a proper staff?—Probably close on eighty twenty.

2313. And I think you said at one time the name was allowed to take twenty?—Yes.

2314. Then it could be made a good Intermediate school for forty boys, including twenty boarders?—Perhaps we had better say three dozen, hardly forty.

2315. How do you keep the place in repair?—It is in very good repair; that is paid for by the trustees as a first charge.

2316. Dr. TRAILL.—Have you any servants?—I pay the servants out of the allowance to me.

2317. Who looks after the buying of the food and that sort of thing?—My wife looks after the household arrangements.

2318. Lord Justice FITZGERSON.—Kindly let us have the register of pupils, a copy of the grant, the accounts, and the minute books of the board. We will take up the case again to-morrow.

2319. Lord Justice FITZGERSON.—In consequence of some evidence we have had as to the East Cork School, it is right that I should at once mention that we have just seen the school. Things are often very different when they are looked at from what they appear by description. We found the boys apparently well cared for and well fed, and as far as appliances went, comfortably provided. We say nothing at present as regards the quality of the education—they are only receiving primary education—but nothing that appeared in evidence to-day should be taken as at all reflecting, so far as the means at his disposal go, upon the treatment of the boys by the master. He has very little means, and he appears to do for the small number of boys a great deal for the money he gets. We found the place extremely clean, and not cleaned up for the occasion. We found the boys at their dinner, a good dinner for boys in their position in life; their appliances are rough, but I saw quite as good as they would have at home. I say this in justice to Mr. Somerville and his wife. That, of course, does not affect the question of whether the usefulness of this very considerable endowment might not be very considerably extended.

#### ST. ANNE (SHANDON) GREEN COAT SCHOOL.

2320. Mr. H. B. Colthart, B.A., on behalf of the Governors (instructed by Mr. Croker, solicitor).—The draft scheme has been carefully considered by the Board, and I have to ask the Commissioners now to sanction a scheme which substantially embodies the draft that has been lodged. I should mention a few leading facts and dates showing the origin and nature of, and the mode in which, these endowments have been administered, and then call two of the trustees, Dr. Knight, who is also honorary secretary, and Mr. Chillingworth, honorary treasurer, and Mr. Croker, the solicitor to the trustees, who will give the particulars of the endowments which are set out in the schedule to the scheme. This is, undoubtedly, a mixed endowment, only partly educational, and comes within section 8, but I think the Commissioners will have no difficulty on that account, because the governing

body of the endowment assent to the scheme. An endeavour has been made to leave the non-educational part of the endowment as much untouched as possible and to provide that it shall be administered in the future as it has been in the past. The founders appear to have been many, because they are mainly subscribers, and although we can in some cases trace bequests, we don't know the names of the givers, and in other cases we know the names of givers, but the bequests have disappeared. In 1715 a sum of money had been collected from several subscribers, the founders of these schools, who resolved, "to receive a few poor children of this place and neighbourhood"—meaning the parish of St. Mary, Shandon, which now comprises the parishes of St. Anne, St. Mary, and St. Luke, it was in its inception not a parochial but a local institution—"in some measure serviceable

to their country, and useful in their generation, and accordingly agreed to erect two charity schools, one for boys and the other for girls, the children of both sexes to be bred up to constant business as well as religion. The boys to be taught to read, write, and cast accounts; the girls, besides learning to read, to knit, sew and spin, and both to be instructed in the principles of the Christian religion as taught and professed in the Church of Ireland, and in such other things as might be suitable to their several conditions and capacities, in order to qualify them for being put out apprentices or servants, as the governors and trustees of the schools shall see most convenient." They resolved to receive twenty boys and twenty girls, the number of each to be increased as the revenue improved. They concluded to build the schools in a waste piece of ground belonging to the incumbent of St. Mary, Shandon, which he gave for that purpose. On March 6, 1715, these schools were founded; the building cost £311, which was raised almost entirely by subscriptions, and on August 12, 1716, the schools were opened. By the " addition of new annual subscribers the trustees were enabled to add ten poor children more to the foundation, and accordingly resolved that fifty should be the number clothed, and that fifty more should be supplied with books and schooling, as probationers, to succeed the former when put out to trades. Boys clothed, 25; unclothed, 25; girls clothed, 25, and unclothed 25—in all 100." At the very inception of the undertaking we find—" Thus was the foundation of these charity schools, together with a house for the master, and a decent apartment adjoining for the convenient reception of eighteen despoiled housekeepers of the same parish, announced. See, happily laid March 6th, 1715." I read from a report published by the trustees in 1721, which also contains the following among other regulations for the school:—" The subscribers have laid it down as a fundamental rule that the master be a member of the Established Church of Ireland, of a sober life and conversation, one that frequents the Holy Communion, one who is approved of by the minister of the parish, before he is presented to be licensed by the Ordinary, a person of known affection to his Majesty King George, and the Protestant Succession established by law. The business of the master is to attend the school during the hours appointed for teaching—viz., 7 to 11 a.m. and 1 to 2 p.m. during the summer half year; and 8 to 11 a.m., and 1 to 4 p.m. in the evening during the winter half year. He is to teach the children spelling, reading, and writing, with arithmetic, in order to fit them for service or apprenticeships. But above all, he is carefully to instruct the children in the principles of the Christian religion, taught and professed in the Established Church, and laid down in the Church catechism, and to explain it by some good exposition approved of by the minister. The master is to instruct the children three every week in the schools—Sundays, Wednesdays, and Fridays, in the afternoon, and to bring them regularly to church to be catechised by the minister." Therefore it was established as a school for the children of one denomination. In 1717 we find the funds increased, and sewing and spinning classes were added to the school, and a certain amount of technical instruction was given. At page 80 of the report of 1731 I find "that industry and learning might both keep pace together. The Honorable the Trustees for the Linen Manufacture resolved to encourage the poor girls educated in these schools to be employed in spinning hemp and flax, by a present of twenty wheels, and a further bounty of £35 to the managers of the charity, in order to carry on that useful branch of trade in this kingdom." It states that the girls "in a short time were no other linen but what was wrought with their own hands, and provided for the boys' wants in the same way." In 1717 an "Act of Parliament was passed incorporating the trustees, and a number of bequests were afterwards made to them—we don't find what trusts were attached to them,

with one exception, that of William Masters. This Act of 1717, 5th Geo. I., cap. 14, recites the subscription that there were two schools called the Green Coat Hospital, that there were 100 children educated in the Protestant religion, established by law; it also mentions the almonshouses, and assigns that the ground and buildings shall vest in the governors, the Right Honorable Robert, Earl of Kildare, and James, Earl of Barrymore, and their heirs; the Right Reverend the Lord Bishop of Cork, and his successors; the Mayor of Cork, and his successors; the Honorable Sir John Broderick; Sir Standish Hartington, Bart.; the Honorable Brigadier-General Robert Stuarde; John Rogerson, Esq.; Edmund Knapp and Edward Haare, Esq., Members of Parliament for the City of Cork; Dr. George Rogers; Captain James Maude; the Minister and Churchwardens of St. Mary's, Shandon, Cork, and their successors, with other persons of worth and distinction, together with Francis Edwards, of London, Esq., who has generously given £11 a year for ever towards the support of the hospital.

2331. Lord Justice Fitzgerald.—What was the total number of the governing body?

Mr. Colthurst.—There are over fifty of them now. Twenty-five was the original number. It was further enacted that the governors, or any five of them, being met together in the library of the hospital, the master of the said hospital for the time being having notice of such meeting, shall have full power to direct the disbursement of such money as shall be given for the use of the hospital. Such money is to be spent in maintaining children, placing them out apprentices, and paying their respective salaries to the master and mistress; towards the support of eighteen poor housekeepers, keeping the building in repair, &c. The trustees may add and select from time to time such other trustees as they shall see convenient. In 1718 there is a legacy from Wm. Maude, of £300, which was expended in paying a debt, apparently due on the building, and on January 4th, 1718, vested—"The first settled endowment was made on this foundation by a bequest of £4 per annum for ever, left by Captain Robert Rogers," and that bequest appears in the schedule.

2332. Lord Justice Stamer.—Is it still paid?

Mr. Colthurst.—It is.

2333. Out of what fund does it issue?

Mr. Colthurst.—Premises in Pope's Quay.

2334. Mr. Colthurst.—Proposals were afterwards made by the Corporation of Cork to the trustees to take a piece of adjoining ground for a separate almshouse now called Stiddy's Almshouse, and with which the Green Coat Hospital has nothing to do but to receive £1 per annum, trustees having made the Corporation a freehold lease for ever of the site of the new almshouse at 20s. per annum, or to clothe one poor child in the hospital, which the city planned. The city has pleased to pay the £1 per annum which appears as 18s. 6d. in the schedule. On the last day of 1719 a charitable endowment of £11 per annum out of the lands of Ballyvourney was made by Francis Edwards, a gentleman of the city of London, in consideration of a kind promise. That is now paid by Sir George Colthurst. The next bequest is under the will of William Masters, dated March 31st, 1737, it is a very involved document.

2335. Lord Justice Fitzgerald.—If you could tell us what you have been getting out of it of recent years, that is what we would deal with—£250 to be paid to the treasurer of the Green Coat Hospital, that he, and the minister of the parish of St. Mary's, Shandon, do employ £250 every year following, that is, where a Protestant family in said parish, or on the march that has a trade, and can have two credible neighbors to certify as being a careful industrious man, and that they believe 40s. may assist him, so as to put him above want, then it is my will that such family shall be encouraged, not only one year, but as often as the above persons shall think fit. Where it

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is found that any family becomes idle, and do not improve by that money, such family so to be refused over after, unless there is good authority for their reformation, so every year eight families have 40s. each, and 25 every year for ever to the charity school. That 25 to the charity school appears in the schedule in the shape of £3 13s. 10d. It appears that in the manuscript of this will, an ancient copy in the minute book or account book, this sum of 25 was taken down 24, and has accordingly been paid 24 a year for a large number of years. Not with the exception of that 24 the rest of the £30 Irish has been regularly received by the treasurer of the Green Coat Hospital, of which 24 Irish is credited to the school, 28 Irish is paid to the Rector of St. Mary's, 28 to four children of St. Anne's, Shandon, and the balance is kept for marriage portions. This endowment was not left to the Green Coat trustees, but to the treasurer of the hospital, that he and the minister of the parish should apply it. They are both trustees of the Green Coat School, and have concurred in this draft scheme. Mr. Chillingworth, who is honorary treasurer both of the Green Coat Hospital and Masters' will, will produce the accounts. There is a balance of 250 or 200. In 1730 St. Mary's parish was divided into two parishes—St. Mary's and St. Anne's—and St. Anne's has been since subdivided into St. Anne's and St. Luke's. This is an entirely local endowment, not a parochial one, and it is the object of the trustees to preserve that local character, and leave themselves at liberty to admit to the almshouses or school, housekeepers in one case, and children in the other, from the entire district embracing the ancient parish of St. Mary's. The number of pupils now attending are—boys, 19, and girls, 64.

1326. What is the qualification for becoming a governor or trustee?—There are four schools times appointed for the electing of trustees, namely, the second Sunday in every quarter, and the trustees are to assemble every Monday after the monthly communion. I understand that they elect from time to time a member of their body on giving a month's notice.

1327. What do you propose in the scheme?—That the governing body shall be reduced to eighteen, of whom three shall be the Rector and the two Churchwardens of the existing parish of St. Anne, Shandon.

1328. How do you propose to represent the former St. Mary's, Shandon, and the new St. Luke's?—There are three classes of governors, *ex-officio*, representative, and those that might be co-opted. The *ex-officio* are to be the Rector and Churchwardens of St. Anne's; the representative governors are to be the members of the Select Vestry of St. Anne's, and in the co-opted governors there is ample room for the representation of the other two parishes. You cannot represent people by co-optation.

1329. Dr. TRAILL.—Why don't you take the boundaries of the existing St. Mary's?—Because as a matter of fact for a great number of years the charity has been administered almost exclusively by members connected with the existing parish of St. Anne. It is quite close to St. Anne's, Shandon, church, and it has been mainly administered by persons who are connected with it, and all these familiar with it are connected with St. Anne's.

1330. Rev. Dr. MOSELY.—In fact only a very limited number of the trustees were summoned to the meetings—about twelve I think?—About fifteen. There were a large number of the trustees who disappeared altogether; the list of trustees does not appear to

have been corrected for a great number of years, some have died, some have gone away, and only a very small number appeared at any meetings.

1331. Or were summoned?—Dr. Knight, the Secretary, is here, and will give you an account exactly of what the practice was. The number of trustees was so large it was almost impossible to summon the whole without very large expenses, which the charity could ill bear. So that I think a practice grew up and has continued of summoning only those who attended at reasonable intervals.

1332. Dr. TRAILL.—How could they attend if they were not summoned?—You are arguing in a circle.

Rev. Dr. MOSELY.—At all events it is a most reasonable proposal to reduce the body to a manageable number.

Mr. COLLESTON.—There are six members of the Select Vestry—there are six life trustees. With reference to the application of the income, we propose the amount to be devoted to the almshouse shall not exceed £30 a year, which is over the sum hitherto devoted to it, and which is mainly applied to keeping it in repair.

1333. What is being done with the almshouses?—Thirteen persons are allowed to live there, they may receive aid from the parish, but they don't receive aid directly from the endowment; the house is kept in very good repair. Then we provide £8 shall be paid to the Rector of St. Mary's, Shandon, in perpetuity in lieu of the sums at present paid to him for the benefit of the old men under the will of William Masters. Then the sums allocated under the will for marriage portions shall be applied to the same purposes in the scheme. Then the governors shall have power to admit to the almshouses a number not exceeding eighteen, and have power to contribute to their maintenance an annual sum not exceeding £50. I think we may take it that at present nothing is given for their maintenance. As to the schools, the governors shall continue to maintain the existing boys' and girls' schools. There are no changes proposed except that they shall have power to place them in connection with the Board of National Education, and also that they shall have power to carry on in the schools such an amount of technical education as they may think fit.

1334. Lord Justice FRY-GIBSON.—In every scheme we have settled up to the present for schools like this we have introduced a clause giving power to the governing body to introduce technical education as rapidly as they can efficiently, but we have rarely been unable to define it.

Mr. COLLESTON.—That is exactly what the trustees are asking for, and I hope I have satisfied the Commissioners that that is in accordance with the spirit of the founder's intention, where technical education is distinctly mentioned.

1335. I see you make a special provision which, unless you have some special reasons, we would rather have out, "that it shall be in the power of the Chancery Division to alter the provisions of this scheme on application by the governors." Had you any objection in preferring the Court of Chancery to the Commissioners of Charitable Donations and Bequests?—This scheme was drafted a year and a half ago, and I think that was a common form at the time.

1336. You have no funds in Chancery?—None.

1337. Then in that case probably a clause giving you power to apply to the Commissioners of Charitable Donations and Bequests would be sufficient?—Yes.

William J. Knight, LL.D., sworn.

WILLIAM J. KNIGHT, LL.D.

1338. Mr. COLLESTON.—Since when have you been secretary?—Honorary secretary for the last four years.

1339. You produce the minute books?—Yes.

1340. How are the trustees elected?—At any meeting of the trustees. Anyone of the trustees is at liberty to give a month's notice of any other person whom he considers eligible to become a trustee, and

at the subsequent meeting the election is either confirmed or declined.

2341. You are unlimited in number?—Unlimited in number.

2342. Have you any qualifications?—None.

2343. What are the numbers attending the school?—I produce a certified return of the numbers on the roll for the year 1885; the average number in the male schools for 1885 was 13-9 per day; for 1886, 16 per day; and for 1887, 17-04. For the girls' school the average attendance in 1885 was 36 per day; 1886, 37-8; and for 1887, 40-4.

2344. Lord Justice FRYGIMON.—Then your girls' school has been increasing?—Yes; and the boys' school also.

2345. What is the reason of the great disparity of numbers between the boys and girls?—The funds available for the teacher being so small, and our inability to place the school under the National Board, prevented us from having a master up to the work.

2346. What did your inability arise from?—From our special Act of Parliament. That is one of the objects we have in the scheme. We are asking the Commissioners to free us from that, so as to enable us to place our school under the Board.

2347. Lord Justice NASE.—You refer to the Act of Geo. I?—Yes.

2348. How did that prevent you?—We have applied, and been refused, on being a very special merit.

2349. Lord Justice FRYGIMON.—I presume on account of the compulsory trust to give instruction in religion, and that the children shall be taught in a special manner?—Yes.

2350. Your numbers are apparently sufficient, if you enter this as a mixed school, to obtain a grant from the National Board of a master's salary?—Certainly.

2351. Mr. Collier.—What is the number on the roll?—Seventy on the girls' school, twenty-seven on the boys'—ninety-seven altogether.

2352. Lord Justice FRYGIMON.—Then you are very nearly in a position to have two separate National schools?—Very nearly.

2353. Mr. Collier.—Have pupils of any religious denomination other than the Church of Ireland attended at these schools from time to time?—Yes.

2354. Who?—We have some Jewish children there at present.

2355. Lord Justice FRYGIMON.—Have they any other schools available for them?—I am not aware that they have.

2356. How many Jews have you?—Three.

2357. One family, I suppose?—Yes.

2358. Are they strictly primary schools?—Strictly primary.

2359. You give no industrial teaching?—Except sewing.

2360. Mr. Collier.—Do any of these children pay fees?—Yes, some of them pay one penny, others two pence, others are free.

2361. How are these fees disposed of?—They are handed in to the Board every month, and returned to the teachers in the shape of result fees; it is a kind of encouragement from the Board.

2362. Dr. TRAILL.—What was the amount of the school fees?—The last entry I have on the books is 16s. 1d. for the girls, 5s. 6d. for the boys, and the month before is 18s. 3d. for the girls, 5s. 8d. for the boys.

2363. Lord Justice FRYGIMON.—About £1 a month, I suppose, putting the two together?—Yes.

2364. What teaching staff have you for the boys?—Only one master.

2365. How do you pay him?—£40 a year.

2366. Has he a residence?—Yes.

2367. And for the girls?—A principal teacher and assistant teacher. The principal teacher gets £36 a year, and the assistant teacher £11.

2368. They have got residences also?—The principal teacher has, but not the assistant.

2369. Then the National Board salaries, if you were able to get them, would enable you to get a higher class of teachers?—Oh, yes.

2370. What are the qualifications of your master?—He is at present reading for entrance into Trinity; he can read Greek and Latin—he is an educated man.

2371. Is he a trained teacher?—I think he was trained by the Church Education Society.

2372. Is your principal teacher in the girls' school trained?—No.

2373. How long has she been with you?—A number of years—before my recollection.

2374. Dr. TRAILL.—Did I understand you to say she was a more efficient teacher than he is?—Perhaps so. I would rather read a report of the examination of the classes from the Diocesan Inspector, the Rev. Mr. Alcorn, and of the non-National schools in the whole diocese, he places the Green Coat schools first—boys and girls—and he appends a note as to each as deserving of special mention. With regard to religious knowledge, he puts St. Anne's, Shandon, first of all the schools in the city, whether National or not; eight first prizes more than any other school in the whole city.

2375. There is a source of income for schools that we are glad to hear of arising from subscriptions. Have you anything of that sort to supplement the endowment?—No.

2376. It was originally established by subscriptions. Have you any provision for collecting them?—No, not now.

2377. Lord Justice NASE.—What is the total income of the endowment at present?—About £150.

2378. Lord Justice FRYGIMON.—If you utilized that £150 as a nucleus, could you not supplement it by subscriptions if you had a provision in your scheme for giving subscribers a voice in the election of the governing body?—We have such a large number of objects to bring before the parishioners from time to time that I think it is out of the question. They must be very fortunate parishioners if they are not called upon to subscribe to their parish schools.

Mr. Collier.—The only time they were called upon was when the building got out of repair, and they subscribed very willingly.

2379. Mr. Collier.—Where do the children come from?

Dr. Knight.—Some from St. Mary's and some from St. Anne's, but we have none from St. Luke's.

2380. You would admit them from St. Luke's?—Certainly, it is open to all.

2381. Archbishop Auckland.—Do you not sometimes send pupils to St. Luke's?—We do not.

2382. Lord Justice FRYGIMON.—Would there be any objection to inserting a clause in your scheme, enabling representatives from the other parishes to be put on the governing body?—I think not.

2383. Lord Justice NASE.—In the three parishes you mentioned, are there any schools under Protestant management in connection with the National Board?—Yes.

2384. What ones are they?—The Archbishop can tell you about St. Luke's and Canon Powell can tell you about his schools in St. Mary's, I am not able to tell you.

2385. The same class of children go to these schools as to the Green Coat School?—Yes.

2386. Mr. Collier.—From what district do you admit to the almshouses?—From the three modern parishes.

2387. Could you mention any instance of persons admitted to the almshouses from St. Luke's or St. Mary's?—Oh, yes.

Dr. Knight.—The last inmate admitted to the almshouse was Eliza Gray, a deaf mute from St. Mary's, and before that Susan Dineen from the parish of St. Luke's.

Oct. 14, 1887.

William J. Knight, M.A.

Oct. 14, 1887.

William J.  
Knight, U.D.

2388. Lord Justice FAIRER.—Do you think, if it were possible to put this school under the National Board, as you propose, it would be more convenient to work it as a separate school or in connection with some of the National schools at present in these parishes?—I think if it were under the National Board it would occupy such a position, it would become the main school in the north of the city.

2389. It would draw away children from these other schools?—Yes, absorb them altogether.

2390. Dr. TRAILL.—Then how do you expect a grant from the National Board on these terms?

Mr. Colthurst.—I find in the early records of the school, the children are to be children living in or near the parish of St. Mary's, Shandon, and further, any person that subscribes 20s. per annum may recommend a child to be taken into the school on a vacancy, that is apparently from any district.

2391. Lord Justice FRYGIMSON.—Are the schools and widows' almshouses in the same building?—All under the same roof.

2392. Dr. TRAILL.—Is that all the privileges you extend to the adjoining parishes, to take the deaf mutes off their hands?—We have three from St. Mary's parish in the almshouse at the present moment, the last happened to be a deaf mute.

2393. Mr. Colthurst.—You always summon the meeting of the trustees?—Always.

2394. You send out summonses to all who have attended in recent time?—Yes, unless there is an almshouse of an entire year when I stop.

2395. Dr. TRAILL.—If the persons who are in the habit of attending are not in the habit of summoning those who have not attended for a year's time, and they have power to name certain persons, would not the tendency be for those persons to fill up the places to the exclusion of everybody else?—There is no election held.

2396. But you don't send notice to those persons who don't generally attend?—We send notice to those who habitually attend.

2397. Lord Justice FRYGIMSON.—Is your very clear statement that you have printed for us, you

point out that the constitution of the Board is entirely non-parochial?—Quite so.

2398. In the draft scheme you have lodged, you propose to make it to a considerable extent exclusively parochial, confining it to St. Anne's Shandon?—Yes, largely.

2399. Would there be any objection to the representation on your governing body of each of the old three parishes by one or two or three members, and then to allow the rest of the body to be elected in other ways?—I don't see any objection myself. I think the idea of co-optation was that we might be at liberty to bring in representatives from the other parishes.

2400. Dr. TRAILL.—Are not the Rector and Churchwardens of St. Mary's members ex-officio?—Yes.

2401. Are they always summoned?—No, Canon Powell has expressed indirectly a wish that they should not be summoned.

Canon Powell.—I beg your pardon, I don't agree to that.

Dr. Knight.—I said indirectly.

Dr. TRAILL.—If they are ex-officio trustees it would be a hard thing to ask us to strike them off.

2402. Lord Justice FRYGIMSON.—You state that no less than seven of the most regular attendants of the Board are residents in St. Luke's?—Yes, I beg to hand in the seven names.

2403. Dr. TRAILL.—Do they attend St. Anne's church?—I have seen them all at St. Anne's church.

Lord Justice FRYGIMSON.—You yourself are a resident of St. Luke's.

2404. Archbishop Archbishop.—I think I may ask Dr. Knight whether the Rector and several of the Vestrymen of St. Anne's are not those alluded to by him, they are actual office holders of St. Anne's, they are not registered in St. Luke's.

Lord Justice FRYGIMSON.—That is, although resident in St. Luke's parish they are attendants at St. Anne's church and are registered vestrymen.

Dr. Knight.—One of them is the Rector of St. Paul's church in the city, I don't know that he is registered on our vestry.

#### Thomas Hans Chillingworth sworn.

Thomas Hans  
Chillingworth.

2405. Lord Justice FRYGIMSON.—Do you act as a trustee of the Green Coat Hospital?—Yes, for about twelve years.

2406. Do you keep the accounts?—I keep the accounts for the past seven years.

2407. Have you got your accounts for last year?—Yes, I have the printed accounts during the time I have been in office, since 1880 (produced).

2408. I see the first large receipt is Rickenhead, £105 8s. 8d., how is that paid to you?—Half yearly.

2409. Do you know where the lands are or how situated?—I have a very imperfect idea, but it is in the neighbourhood of Dublin, Coolock.

2410. Is this in the nature of a profit rent?—It is a rent direct from the tenant.

2411. Do you know how the tenant holds?—By lease.

2412. What is the name of the tenant?—Jonathan Alley.

2413. Dr. TRAILL.—Is that a short lease or one in perpetuity?—I have never seen it and I could not say.

2414. Lord Justice FRYGIMSON.—Have you any idea of whether the rent is well secured or not?—I have no personal knowledge of the place, but I have been told that he has fair value in it. It is regularly paid, and he has never asked for any reduction.

2415. The lands are stated to be 76a. 3n. 10r., held at £208 8s. 8d., at Rickenhead, county Dublin, and you don't know the terms for which he holds. I see you have some donations in your list, you receive some benefactions?—Yes, at different times; there

might be some special object perhaps for repairs of buildings, that the funds would not admit of, and we get subscriptions then and donations.

2416. But you don't try to increase your income by collections or subscriptions?—No, not lately.

2417. Your whole income appears to be about £250 and you spend the greater part of it?—Yes.

2418. Mr. Colthurst.—That is with reference to the Green Coat School, you are also the treasurer of Masters' charity?—Yes.

2419. Is that (produced) the balance sheet?—Yes, that is the sheet for last year.

2420. Perhaps you will explain the amount you receive and how it is expended?—The accommodation at present is £23 13s. 9d.

2421. Lord Justice FRYGIMSON.—Do you know the number of registered vestrymen, or the number of Protestant inhabitants in the parish?—I think there are about 170 registered vestrymen.

2422. I see in your printed report that you have a great number of parish families, and a good deal of money passes through the hands of the parish officers from year to year?—Yes.

2423. In the account for 1886, I see "this institution though situated in the parish, is not a parochial one, it is managed by a Board of Governors, the income for the hospital is quite inadequate for its maintenance, and the inmates have to be supported entirely from parish funds. . . . These are the only schools in the parish, a sum of £100 is urgently needed for repairs." Did you collect the money since?—We got £100 since, which did the repairs.

2424. Dr. TRAILL.—Who gave you the £100?—The late Mr. Wyse.

2425. Lord Justice FRANKLIN.—What is your idea as regards the Governing Body?—I think my view is fully stated in this draft scheme, but at the same time we have no objection to a representation from the other parishes, as far as I am concerned I would rather welcome them.

2426. Do you think a representation of subscribers might be added?—I think so, I think it would be a very desirable thing.

2427. If we give you three representatives from each of the parishes, some number of representatives in proportion to money sent in, and a power of co-opting to fill up the number to fifteen, do you think that would be good?—I think it would.

2428. Mr. Colthurst.—Are there many applications for marriage portions?—Very few; it is very difficult to fill all the different conditions in the will. They require to be educated in the schools and serve apprenticeships and all that kind of thing, so that very few come up to all the conditions.

2429. Lord Justice FRANKLIN.—When they do come up to the conditions what is the amount to be got?—£5.

2430. Mr. Colthurst.—The last two payments were made in December, 1884, and March, 1885?—Yes.

2431. Lord Justice FRANKLIN.—Do you think these funds could be more usefully applied to education?—Certainly they could. I think those all decayed tradesmen's fund might be very well put into the educational part too.

2432. Have you been spending it on the decayed tradesmen?—Oh, yes; we have always spent that money.

2433. Mr. Colthurst.—That is, only to the extent of £8 a year?—Yes.

2434. In the scheme I think they have counted to this £8 being diverted to the almshouses and the schools, as the case may be?—We considered that as St. Mary's parish had a claim to four old men's portions we could not divert that to our schools, and we left that portion remain as it was; but if we had a general scheme for the three parishes it would not be necessary to make that limitation.

2435. Mr. Colthurst.—Do you think the situation of the school convenient?—I do. I think it a very

central, healthy situation, and we have improved it very much by taking down a number of walls and putting railings up, which gave air and light to the place. In my memory the place was never in as good a condition as it is at present. There have been at least £200 or £300 spent on the improvements of the schools.

2436. Lord Justice FRANKLIN.—Where was the money got to spend in that way?—Collected from the parishioners of St. Anne's.

2437. Are the schools near the church?—In the churchyard adjoining.

2438. Dr. TRAILL.—How far are the schools of the other parishes off?—St. Luke's is about a mile, and St. Mary's a short distance—about a quarter of a mile; but we consider St. Mary's altogether too far away from our children, because they mostly live near the St. Luke's district, to the eastward of the parish, and there is a very objectionable passage to St. Mary's by Mallow-lane for our children.

2439. Would St. Mary's children have to come that way to your school?—I never contemplated that they would come.

2440. Would not the passage be quite as bad for them as for you?—Quite as bad, only we have more children.

2441. In stating the object of the institution, you say, "100 poor children to be educated in the principles of the Protestant religion"—do you mean in the principles of the "Church of Ireland"?—That was my intention.

2442. Lord Justice FRANKLIN.—Do you know how the lands of Bickenshead are held?

Mr. Corker.—We appear to hold in fee. It is a 99 years' lease the tenant has from 1837.

2443. How are the lands described?—All that and those the townlands of Bickenshead, situated in the parish of Clongrass, barony of Coolock, county Dublin, containing 45a. 1r. 30p., plantation measure.

2444. Lord Justice FRANKLIN.—Do you know the lands at all?

Mr. Corker.—No; I have not the remotest idea of them.

2445. Dr. TRAILL.—Could the tenant go into the Land Court with that land?—That lease would let him in.

#### Archdeacon Jellicott examined.

2446. Archdeacon JELlicott.—I was asked by the Diocesan Board of Education to attend here and make a statement with regard to this matter. It was stated by Mr. Colthurst that the object of this scheme was to make this charity local instead of parochial, but I think to anyone who listened afterwards to what he said, and listened to the evidence, it would plainly appear that their object was to make it parochial, and not local. At present it is local, and the Diocesan Board of Education want to make it more local, but the trustees who drew up this scheme want to make it a purely parochial charity of St. Anne's parish.

2447. Dr. TRAILL.—How do you distinguish local from parochial?—I only adopt the phrase from Mr. Colthurst. By "local" I suppose he meant district. The object of the Diocesan Board of Education, with regard to the city of Cork, is to try and put an end to purely parochial schools, and establish district schools. They want to try with the present endowments, and such aid as can be got from the National Board of Education, to get up some really good schools, and they propose a plan for establishing four district schools through the city of Cork. The resolutions that are on this paper (produced) were drawn up by the Diocesan Board in conference with the city clergy and city churchwardens. Of course they were carried only by majority, for the parish

of St. Anne's declined to join. The Board look to the Endowed Schools Commissioners that they will if possible sanction this plan, if they consider it better than the existing plan, for the establishment of really good schools. There is a considerable sum of money in Cork for the endowment of primary schools, but it is so divided that—with perhaps one or two exceptions—there are no really good primary schools in Cork. We consider that this school of St. Anne's as far as the boys' school is concerned is a failure. They cannot get boys to attend it. Within the last few days they have raised their number to twenty-seven, but a very few days ago there were only twenty on the roll, as I am informed, and when our Inspector was there last there were only nineteen. In that school of nineteen boys, according to the report of our Inspector, there is nothing taught but the most rudimentary things, there is not even any history taught. The children are almost without exception in the lower classes. There were only four children, when he inspected the school, in the third, fourth, fifth, or sixth classes, so that the number of grown boys is very small indeed. It is simply a higher class of infant school, if we may judge by this return. We think that the considerable endowment which this school enjoys may be much more advantageously used if they would consent, as the majority of the

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clergy have, to throw all their funds into one common fund, and out of that to establish such a number of really good schools as are wanted for the city of Cork. That is the plan which I have been requested to submit to you. My friend the Archdeacon of Cork and Mr. Powell, both of whom are connected with these parishes, are willing to give evidence.

2448. Lord Justice Fitzgerald.—Does the position of this school correspond with "the north side of the river, not far from North Gate Bridge"?—It is not far from the North Gate Bridge, but we did not consider the position of the school a satisfactory one or as available for St. Mary's children as it ought to be. Mr. Chillingworth has told us that in order the St. Mary's children should go to that school they would have to pass through a very bad locality.

2449. Had you any existing building in your mind?—We had not. St. Mary's schools are near the North Gate Bridge. There is a site to be got, and we probably would be able to dispose of St. Mary's School and build a very good school.

2450. Dr. Traill.—Did your Board contemplate the possibility of making a selection from all the schools so as to have an intermediate school?—I am afraid as far as the funds belonging to the primary schools in Cork are concerned there could be no provision for an intermediate school.

2451. If the primary schools were all under the National Board would there be enough children from the condensed district on the north side to justify an intermediate school being got up for boys or girls, or both combined?—I doubt if that would be a good place for an intermediate school. There is a first-class school in the St. Luke's parish where they give a first-class education.

2452. Would you think of having a technical school for the district where those that wanted to learn the different things you have heard of could do so, whether as regards trades directly or indirectly?—Do you think it would be a good thing to have a central school of that sort for children to be selected from all the parochial schools?—It would. I don't know whether the north side would be the best for it.

2453. Lord Justice Fitzgerald.—If you had a body representing St. Luke's, St. Anne's, and St. Mary's, with power to take the endowments of the existing schools, and apply them jointly, would not that answer?—We don't want to interfere where the incumbent of the parish and the parochial authorities are opposed to it, and in that case we would rather have it left open, so that a future incumbent could bring it in.

2454. This is not an endowment in the hands of the incumbent or churchwardens?—We consider it would be better to throw these endowments into one and have really good schools.

2455. Dr. Traill.—Are there many more endowments in that district that could be amalgamated with this one?—No.

2456. Lord Justice Fitzgerald.—There is an endowment of 2450 a year connected with the Blue Coat School?—That is at the other side of the city. That would be a very proper thing, as we think, to form an intermediate school out of.

2457. If that endowment was placed in the hands of your governing body would it not give you the nucleus of an intermediate school?—We should be very happy indeed.

2458. Perhaps Mr. Chillingworth can tell us how many of the twenty-five trustees were present when the scheme that has been sent forward was agreed upon?

Dr. Knight.—There were several meetings held. Archdeacon Jellatt.—I know I am one of the trustees myself, and was not summoned. Of course, being in the country, as I do, and as they meet in the evenings instead of the morning, it was impossible for me to attend, but I have always attended when any important matter came under consideration, and I would have attended if I had been summoned.

Dr. Knight.—In November, 1885, when the matter was first broached, there were six of us present.

Archdeacon Jellatt.—Mr. Powell and Mr. Milnes, I may say, are not in favour of your scheme.

Dr. Knight.—At the meeting afterwards the Lord Bishop was in the chair, and there were eight present.

2459. Archdeacon Jellatt.—The largest number of trustees who drew up this scheme were eight, then?—Dr. Knight.—I did not say that.

2460. Archdeacon Jellatt.—Well, how many trustees were present when the scheme was finally decided upon?

Dr. Knight.—On the 27th January, 1886, there were seven present.

2461. Lord Justice Fitzgerald.—I understood from Mr. Colthurst that under the provision for selecting they intended to represent the other parishes, but that is not the best way of doing so.

Archdeacon Jellatt.—Mr. Knight spoke of the past proficiency of those children, and how they were placed at the top of the list. That is altogether imagination on his part. I am sorry to say, as far as religious education, it is quite the reverse. Out of sixty-four children in the girls' school at the last inspection, there were only eighteen that passed in religious knowledge.

Dr. Knight.—I will sharply ask permission to be heard in the report of the Inspector, in which there are eight first class prizes.

Archdeacon Jellatt.—That is not a report of the Inspector at all, begging your pardon.

Dr. Knight.—It is a report of the Diocesan Board of Education.

Archdeacon Jellatt.—It is; but it is not the report of the Inspector.

Lord Justice Fitzgerald.—In secular subjects it is placed among the non-National schools deserving special mention.

2462. Mr. Colthurst.—Are you acquainted with the Green Coat provision?—(Witness).—I am.

2463. Are they not very suitable?—I did not say that they were unsuitable, except as regards that position.

2464. Lord Justice Fitzgerald.—This is an almshouse as well as a school for the three parishes, and it would be well to provide that if at any time they wished to remove the school, and utilize the whole of the buildings for almshouse purposes, they could do so on having a better building elsewhere.

Mr. Colthurst.—The intention of the scheme is to keep the school where it is. It is a very old foundation, and the schools have been eminently successful. We say that there is no more suitable place in the district.

Dr. Knight.—Certainly not.

Mr. Colthurst.—That is their opinion, their belief and carefully formed opinion. Those resolutions deal only with primary endowments?—(Witness).—Yes.

Mr. Colthurst.—But you propose them to direct the endowment of the Green Coat Hospital to intermediate education?—Oh, no; these are for primary schools altogether, a scheme for four primary schools for the City of Cork.

2465. The trustees have absolutely had no notice of this proposal?—The rector and churchwardens were present at the discussion of these resolutions.

2466. Lord Justice NASH.—There are some other parochial schools on our list; do those resolutions affect them?

Archdeacon Jellatt.—The rector of St. Nicholas has not consented to the scheme, but the rector of St. Fin Barre's, St. Mary's, St. Peter's, and St. Luke's, have consented.

2467. According to these proposals the endowments of these schools would be amalgamated?—Yes; that is what we want.

Mr. Chillingworth.—I may be allowed to call one

observation with regard to the boys' school. We fully admit it has been a failure, but the cause is we are not able to put our school under the National Board, and there is a strong feeling in favour of masters educated under the National Board, and their certificates, in all parts of the city.

2472. Lord Justice NAISH.—If you had a master of that kind would you draw the children you would get away from the other schools?

Mr. CHILDS.—There is a Scots' school that a great number of our boys go to at present, it belongs to the Presbyterian body, and they go to it because it is the most convenient of the National Schools in that district.

2473. Professor DONNERBERG.—Why do you call it a Scots' school?—It belongs to the Scottish church in

King-street. We are very favourable to amalgamation, but we believe our site to be the best. The reason why we would still wish to uphold our scheme is in order to establish the site.

2470. Dr. TRAILL.—Would you be in favour of amalgamation if your site was adopted?—Yes.

2471. Mr. COLLIER.—But if your site was not adopted you would not be in favour of amalgamation?—No.

2473. Dr. TRAILL.—If every parish says that, how is it to be settled?—We are not a parish, we are a district school, and we believe we are in a most suitable place, and we believe the alternative sites are not at all to be compared with ours, and if they were inspected by the Commissioners we think our site would be found to be most suitable.

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Archdeacon  
Jellist.

## ST. LUKE'S SCHOOLS.

Venerable Archdeacon Jellist, sworn and examined.

2474. Lord Justice FRIGGESS.—Would you give us your views?—I would first tell you the position of St. Luke's as regards education. St. Luke's is an integral part of the district included under this trust. We have in St. Luke's parish three schools.

2475. There is on our list St. Luke's School, is that one of your schools?—It is. I will explain the matter now if you wish.

2476. How long have you been Rector of St. Luke's?—Nearly sixteen years.

2477. What schools have you got in your parish?—Three schools, Boys' National School and Girls' and Infants' National and Charity School which we call the Free School.

2478. Where are those schools situated?—All near St. Luke's church.

2479. Are they all together?—Very nearly all together. The Free School is not more than 500 yards from the church.

2480. What number of children attend?—Taking the Inspector's report the number of Church children last year in the boys' school was 111, but then there were certainly twenty or thirty more than that of other Protestant denominations. St. Luke's girls' had eighty-nine, probably over 100 if you take the total numbers. The Free School numbers considerably at present the number on the roll is about 60. It is the school, I think, that you put on your list. We had within the last three or four years two or three bequests left to us. There was a bequest by Mrs. Deane, I think £75, but her affairs are not administered to fully yet, and I don't expect that that bequest will be available.

2481. Do you get any money from the Commissioners of Charitable Donations and Bequests?—No, we have no endowment.

2482. How do you hold your school premises?—The house is rented annually.

2483. Dr. TRAILL.—How much do you pay a year?—£25 a year.

2484. Lord Justice FRIGGESS.—Have any of your schools any endowments of a permanent kind?—None whatever.

2485. Either in money or land?—None whatever.

2486. What is the site of the Church schools?—We are without a site now. They were formerly held under St. Luke's church, in very large and spacious rooms. We are taking advantage of the calamity that happened to our church, and are about rebuilding there at a site close to the church. We propose to build there as United National Schools, and rent them to the Diocesan Trustees, and these schools would then become one of the four central schools proposed by the

Board of Education. We propose now to build our boys' and girls' schools in a thorough way.

2487. How is the land held on which you propose to build?—It is land which the select vestry took chiefly for the purpose of a glebehouse, but on it there is already a schoolmaster's residence built in connection with the National Board; and these school buildings will become part of the parochial institutions with the glebe house and schoolmaster's residence.

2488. Dr. TRAILL.—Would it not be well to delay the building of these schools a little until you see the result of this attempted amalgamation?—The opinion of the Board of Education is that St. Luke's ought to be a centre.

2489. But as these are turned down it might be a favourable opportunity for changing the centre?—It is a centre, I think, in any case. On the whole we are educating in St. Luke's about 350 children, and I would point out to the Commissioners, with great respect, that it is impossible in a city like Cork to have a thoroughly efficient national school unless you have a considerable number of pupils. It would be impossible to maintain, for instance, a boys' school where the education would be quite efficient with a number very much less than an average attendance of certainly 70, that would probably mean over 100 on the roll.

2490. Lord Justice FRIGGESS.—That is a sufficient number to have a master and assistant?—Yes, and the quality of the master is a great point. We have in our school a master classed First of the First, with good service pay, and we have a mistress who has been rising annually, and she is now in the highest class.

2491. Dr. TRAILL.—What are you doing now when the schools are turned?—We have rented premises in Patrick's place.

2492. Lord Justice FRIGGESS.—What salary do you pay the master?—He receives nothing from us, he receives in pupils' fees considerably over £100 a year, he receives from the National Board first-class teacher's salary, and his result fees. We always pass over 80 per cent. of the pupils. We have never been under that, nearly 100 per cent. each year. He receives in result fees for himself and his assistants, I should say, considerably over £100 a year. I reckon that our master earns, without any parochial aid, between £300 and £400 a year. I am quite within the mark when I say that. His result fees from South Kensington this year were over £80, he has science and art classes, and his pupils nearly all pay.

2493. Your school seems to occupy the position that is occupied in the North by Sullivan's School at Hollywood, as being a first-class school?—Yes, not

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only that but we have received two or three exhibitions from the Junior Grade, and every year we have received prizes. Our girls' school is not so successful as the boys' because it has to compete with the Summerhill Girls' School, which is connected with the Trinity Presbyterian church, and they have splendid school premises built by the Presbyterian body, with a very first-class mistress. The Presbyterian National School in our neighbourhood is of the very same character as ours, and those two schools really stand foremost as the schools for giving primary Protestant education in the city, and the result is that they draw from that side of the river the children of all the respectable artisans and others who are anxious to have their children advanced. I am speaking of my own now particularly, but I must say for the others that I think they run ahead, for the masters are identical in their qualifications and standing. We have pupils in the Royal University, we have pupils in Trinity College, several of our pupils were distinguished in the medical school at the Queen's College, and except for grinding for the specific subjects they were going to they received no education except in those schools. One of the schoolmaster's sons is going out to India for the Indian Medical Service after passing very well at Netley. Both St. Luke's and the Carmichael Presbyterian school have educated a very large proportion of the Protestant boys who have distinguished themselves in the Intermediate schools in the city into which they have passed from these schools.

2493. Dr. TRAILL.—What Intermediate schools?—The private Intermediate schools.—Mr. Fawcett particularly, I think. But I wish to point out that it would be utterly impossible for a boys' school situated at St. Anne's, within a short distance of these two schools, and placed there under the National Board, with these endowments, it would be impossible for it to be a thoroughly efficient school.

2494. Unless it had your master!—Then the result would be that there would not be the Protestant population in the neighbourhood to support so many first-class National schools.

2495. Are you very far from these schools!—Dr. Knight says we are a mile away, but we are in that very district to which the endowment belongs, and I would very strongly suggest that endowments like these might be applied to technical education; and the technical teachers might be so arranged, if we had four central schools, that they could attend all these schools, and give that advantage to all, if they were under the same government. Canon Powell will no doubt tell you that St. Anne's would not suit his parish for a boys' school, and if he had a National school like mine there would be no room between the two for a boys' school at St. Anne's. With regard to our Free School, we are giving clothing in a private way, and paying a teacher entirely from voluntary means. The school is composed of the children of the very poor, and we find it working our National schools these children are very likely to be neglected; charitable ladies have to look them up, and see that they attend; and then we have to look after their clothing, and children not attending regularly in an efficient National school will not be regarded with favour by the teachers—they will be backward, and will be thrown out. We have the military barracks in our parish; that was formerly in St. Anne's, the boundary of the present St. Anne's ends by it, and we have to educate all that class of poverty-stricken children that belong to soldiers married without leave, whose children are outside the barracks, and we have a large amount of poverty connected with us in that way. We feel we are entitled in some way to some portion of this endowment for education, provided it is not thrown into the general scheme which the Diocesan Board proposes. I am entirely in favour of the scheme, and I am quite prepared to give up the per-

sonal management of St. Luke's school, and vest it in the Board.

2496. Lord Justice FRYGROUSE.—For St. Luke's School, you say, you have a piece of land available. It is within the power of the Commission to set upon that as an endowment. Do you think it would be advisable to form a representative body of these three parishes which are interested in the Grosvenor Endowment, with power to them to do whatever was best for their own portion of the city?—It would, provided you did not adopt the whole scheme of the Board of Education; but I think that scheme, considering the limited population we have to deal with, would be far better.

2497. Would it have some difficulty in doing that, on account of this being a mixed endowment for different purposes. Must there not be a separate body to administer that endowment?—The educational part could be well administered together with the general diocesan scheme.

2498. Dr. TRAILL.—Would the Diocesan Board make any attempt to divert the charity from that side of the city to the south side?—My idea was that the whole thing would be thrown into the common purse, to be administered by this diocesan body.

2499. Would it help to work out the plan if the infant schools were separated from the ordinary National boys' and girls' schools, and put entirely under the control of the clergy?—I think it would. I think an infant school must be regarded from a different point of view. I think an infant school at St. Anne's church would recommend itself very strongly as a necessity; girls and infants won't go as far to school as boys.

2500. But when the children get old enough to travel to the central school, it would be for the benefit of the district to have a central school?—Yes.

2501. And would St. Luke's be central?—It would be very central; this endowment applies to the parishes on that side of the river, a school in St. Luke's, where we propose to build it, is certainly a necessity.

2502. Is the bulk of the Protestant population on the north side in St. Luke's parish?—We have over 2,000, and that exceeds the population of the other two parishes.

2503. How far does St. Mary's extend?—It is a mile up.

2504. So that between the three they occupy the whole northern bank?—Yes.

2505. Lord Justice NAUGHTON.—Is the Grosvenor Hill in St. Luke's?—Yes; it runs as far as Trillick station.

2506. Dr. TRAILL.—Is the church central in the parish of St. Luke's?—It is very central.

2507. Mr. CATHART.—What is your idea of the distance from the Grosvenor Hospital to the new site proposed for your schools?—As Dr. Knight stated, I think it is about a mile.

2508. Lord Justice FRYGROUSE.—If we formed now for the three parishes a representative body, it would quite fall in with the proposal, as I understand it, that on the Central Board there should be an adequate representation of the three parishes?—It would, quite so; I would not personally oppose the maintenance of the girls' and infants' school at St. Anne's church for that district; it is a very poor district about them, and it would be rather a hardship to ask the girls and infants to go, and to a certain extent it is successful. We have a school of the same character up at St. Luke's, which would have an equal claim to the endowment.

2509. A mile in the city is much farther than girls or infants can travel to school.

Mr. CHIFFINGWORTH.—It is a very long mile, up Hill and down.

2510. Mr. CATHART.—Supposing the Grosvenor was put under the National Board, don't you think it compen-

a suitable position for a good boys' school?—I do not at all.

2511. Supposing it was made attractive, is not the population around quite sufficient to enable a good boys' school to be established?—There is in St. Mary's a National school already, and there are two National schools in St. Luke's, one belonging to the Presby-

terians, and the other to us, and I don't believe a boys' school, intermediate between the two, will ever be successful; I don't think you could possibly have the number of children to enable it to have a first class master. At the present moment a very considerable number of boys come to St. Luke's from St. Anne's.

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Archdeacon  
Archbold.

# ST. MARY (SHANDON) SCHOOL.

Rev. Canon Dacre H. Powell sworn and examined.

2512. Lord Justice Fitzgerald.—You are the Rector of St. Mary Shandon?—Yes.

2513. What is your Protestant Church population?—About 700.

2514. You're one of the three parishes on the north side of the river?—Yes.

2515. What schools have you?—I have a mixed National school at St. Mary Shandon under Messrs Deane's endowment. That is the only school in the parish.

2516. What is your attendance?—On the roll 63; the average attendance is 43, including boys and girls and infants.

2517. So that you have only an attendance sufficient to claim one class salary for a mixed school; do you give anything more than primary education?—Nothing more.

2518. Where are your buildings?—Close to North Gate Bridge, on the river.

2519. How far from St. Anne Shandon and the Greenock Hospital school?—I suppose about five minutes walk on the lower level.

2520. Which of the two sets of buildings is the more suitable for a school?—I think there is a difficulty about both of these. I don't think our buildings are suitable for a mixed school for the whole district, and I think the St. Anne Shandon people are thinking the difficulty in the construction of their own buildings. There is some difficulty with regard to position, and there is still more difficulty with regard to the size of the rooms at their disposal, and my opinion is that it would not be possible to have an efficient boys', girls', and infants' school on the site at St. Anne, Shandon.

2521. Do you think it would be possible to have an efficient girls' and infants' school there?—I do; and I don't see any great difficulty in inducing our girls and the more grown of our infants to attend there, because it must always be remembered that the site of the present St. Anne was the school for the district, though of course the district has now gone out into the country then it did. I think the plan to be adopted would be to have a good and efficient boys' school at our buildings, and to have a good and efficient girls' and infants' school at St. Anne's. There would be a difficulty with regard to the young infant children that live in the neighbourhood of Sundays Well; they would have to be considered; but with the exception of those—say a dozen children of four or five years old—there is no reason why our girls and infants should not go to St. Anne's, and our schools be utilised as a boys' school.

2522. You think that one of the primary schools to be established under section 3 of the resolutions could be provided by a boys' school in the present buildings of St. Mary's, and a girls' and infants' school in the Greenock building?—Quite so. I for a long time felt the great necessity of amalgamating the schools. We never can have a really efficient boys' school when we have only an average attendance of sixteen or seventeen children. Our object ought to be to have a number of children gathered together for a school, and we are forced to amalgamate in order to obtain that.

2523. Lord Justice NAIRN.—That involves your bringing the boys from a greater distance?—I think

we all observe in our parochial schools that boys move about the city very freely. Our school at present contains boys from St. Finn Barr's and Christchurch, and boys that come from the country; and there is no difficulty, provided the children are persuaded there is a good education to be got in the place. I don't think you would have any difficulty at all, provided there was not another very efficient school over the way established in direct antagonism.

2524. Lord Justice Fitzgerald.—Your present competition seems to be with the Presbyterian school?—No; that is at the other end of the city from me.

2525. Professor DODDINGTON.—Do you know how far the Presbyterian school is from the Greenock school?—About half a mile nearer than St. Luke's. I would say the Presbyterian school was about a mile from St. Anne Shandon.

2526. Lord Justice NAIRN.—Supposing a body were constituted with power to establish schools and amalgamate them, do you think the persons interested in the different parochial schools would agree to amalgamation?—What I would prefer would be that the whole scheme would be as far as possible carried out. I think that the great object should be to have one complete plan for the whole city of Cork, and I quite feel with you that that plan cannot be forced on any particular parish; but if we had a body such as is named there, that body acting with discretion and caution would very soon find the whole thing smooth and easy for them. There is a very important point, which is against myself in one respect—it is this: the school endowments of St. Anne Shandon are rated to be £150; the endowments of St. Mary Shandon are £200 a year. I think that is more than sufficient for what we want on the north side of the city, and I don't think we ought to be regarding merely the advantages of the children in our own locality, but we ought to look broadly over the whole city.

2527. Dr. TRAILL.—The income of the Blacount School is more than the incomes of the other two endowments put together?—That is a boarding school. I think if that school was utilised for the benefit of promising boys for the whole city it could be made a sort of intermediate school.

2528. Lord Justice Fitzgerald.—If we establish a governing body for your endowments—St. Mary's, St. Anne's, and St. Luke's—what representation do you think would be likely to be efficient and work harmoniously?—How would you set about forming a governing body?—The governing body we have already agreed to, and allow that body to divide itself into a sub-committee for the management of schools in any particular locality.

2529. Supposing we begin at the other end, and formed first an integral portion of the governing body for the north side of the city, would you see any difficulty in the working of the three incumbents with two laymen such?—Yes.

2530. Dr. TRAILL.—What is the Church population of St. Anne's?

Rev. Mr. Gadsby.—830.

2531. Canon Powell.—Our Church population is 700 or 800, but they don't attend many children for a primary school; they are persons in business, and they go very largely to the Carmichael School. We have not many

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of the poorer children who need a primary school—in fact, the children at that school are gathered from all the parishes of the city.

2532. Rev. Dr. MOLLOY.—Do you agree with the previous witness that in such an arrangement as you propose, of four primary schools for the whole of Cork, it would be desirable to apply a portion of the funds to provide a staff of teachers for technical education who would go from one school to another, and be equally available for all?—I do.

2533. Lord Justice FRANKLIN.—You also lodged a draft scheme for St. Mary Shandon?—I did, but I would be delighted to withdraw it in favour of a more comprehensive scheme.

2534. Rev. Dr. MOLLOY.—You don't see any difficulty in a comprehensive scheme to embrace the whole city?—None; and if it were judiciously managed, and the feelings of the different parishes consulted,

we would all work harmoniously. In fact, if it was understood there was to be a boys' school at St. Mary, Shandon, and girls' and infants' at St. Anne, Shandon, I don't think it is any breach of confidence to say everyone would agree to that.

2535. And the funds could be applied more economically by dealing with the city as a whole?—Yes.

2536. Lord Justice FRANKLIN.—How is the endowment under Moses Deane's will paid to you?—By the Commissioners of Donations and Bequests; they have the whole fund.

2537. Do you remember the terms of the foundation?—It is to be for the support of twenty boys and twenty girls.

2538. Do you know whether the endowment is land or money?—I believe it to be money. It is a capital sum of £2,050, that yields 261  $\frac{1}{2}$  p. a year.

2539. Is it not fluctuating?—Oh, no.

Rev. W. J. Galsworthy, B.A., sworn.

Rev. W. J.  
Galsworthy, B.A.

2540. Lord Justice FRANKLIN.—You are the Rector of St. Anne Shandon?—I am.

2541. How long have you held that post?—For five years.

2542. You have heard the account given of the Greencoat Hospital schools?—I have.

2543. And also the proposals from St. Luke's and St. Mary's with regard to the forming of a body for the management of the endowment?—I have.

2544. What is your opinion as to the fitness of the Greencoat Hospital for both boys', girls', and infants' schools?—The present buildings are not suitable for our school, but the idea is to build larger buildings if the scheme is passed.

2545. Are St. Mary Shandon suitable for good schools?—They have two good rooms, but have no accommodation for a playground. We have plenty of accommodation for that; so that, I think, neither building would be suitable for very large, good schools.

2546. Do you think your building could be made suitable for one large school if the boys were in St. Mary's and the others in the Greencoat?—Yes, I think that arrangement could be carried out, and the present buildings would do.

2547. Do you think it would be advantageous to this part of Cork to make an arrangement of that kind?—I believe it would. We could have better schools under a management of that kind than at present. If I thought by adopting the Greencoat scheme we would get a good boys' school immediately I would go in heartily for it as a separate scheme. But if we would get up a good boys' school there—as we would, I think, in course of time—we would draw away the children from St. Luke's and Carmichael's.

2548. Do you think you would have a greater chance, if you go in with St. Mary's, of getting up a better school between you without getting into the hands of the builders?—I think so.

2549. Dr. TRAILL.—How much space have you?—We have half an acre of ground available.

2550. Mr. COTTEWELL.—And with a little alteration would not St. Anne's make a more suitable place for a boys' school than St. Mary's?—I believe it is more suitable; it is less surrounded by houses; there is more open space.

2551. And the situation is higher?—Yes.

2552. Archbishop JELLET.—Do you think you would ever have a good boys' school at St. Anne's?—It would take some time.

2553. Would you ever get one?—If we had all the boys in the parish we would.

2554. Dr. TRAILL.—Is it advisable, where the population is limited, that one parish should get up even a successful school at the expense of its neighbour?—I think not.

2555. If the success of your schools can only be at the expense of the neighbouring schools, is it not more advisable not to increase the buildings, but to separate the girls and the boys in the different parishes, looking to the interest of the three parishes?—I think it is.

2556. Lord Justice FRANKLIN.—The Greencoat, as I understand, belongs to the three parishes?—The governors from the other parishes have not attended, and I think some of them did not wish to be summoned to the meetings; so that the working of the institution has been entirely in the hands of the St. Anne's people.

2557. Do you think a joint board of the three parishes would work the widows' almshouses and the other part?—If they would work with us.

2558. Dr. TRAILL.—If their children got the benefit of the school would not they be likely to work with you?—I don't think their children would come.

2559. We have evidence that St. Mary's children would come?—Oh, yes.

2560. Surely they would have an object in working with you if their girls were accommodated with you, and your boys came to their parish?—Yes.

2561. Archbishop JELLET.—How many of your boys go to St. Luke's?—The number varies, eight or nine, there are more going to Carmichael's.

2562. You don't think even if you get a good National school at St. Anne's you could give as good an education as they get at St. Luke's, having regard to the small number?—I don't think we could, but we would naturally wish to have them educated in our own parish.

2563. Archbishop JELLET.—It seems to me very undesirable that the same denomination, in the same locality, should be competing with one another, it injures education.

2564. Lord Justice FRANKLIN.—We have a body of evidence that it is extremely desirable that the schools of these three parishes should be under the same management, and worked together, each supplementing the other, more especially with regard to St. Mary's and St. Anne's. As at present advised, it would occur to me that we must have a separate governing body for this Greencoat charity, which involves other matters besides schools, but we could give that body, when formed, power to fall in with a general system under the Diocesan scheme if they thought it desirable to do so. As regards St. Luke's Schools the Archbishop tells me he is prepared to bring them into the general city scheme. As soon as we can, we will prepare a draft and send it to the solicitor, and he will submit it to the trustees. We might take their views into consideration even before we published it for the first time. After we publish it everybody in

Cork will have an opportunity, during two months, of seeing it, and suggesting any defects in it.

2565. Mr. Cullinan.—The governors are anxious to maintain the schools on the present site, and they regard it as more desirable than St. Mary's.

2566. Lord Justice FITZGERALD.—You heard the proposal to utilize St. Mary's Buildings for a boys' school, and your buildings for a girl and infants' school, what would be your view on that?

Dr. Knight.—I think the best plan possible would be to build upon our site, there is ample room, and we would have a first-class boys', girls', and infants'-school.

2567. Dr. TRAILL.—What funds would you have for that?

Dr. Knight.—I think that large subscriptions would be forthcoming. I think subscriptions would flow into us at once; we have only to make out a case, and ask the people of Cork for subscriptions, and they flow in.

2568. Lord Justice FITZGERALD.—There is no doubt about that, provided you satisfy them it is a good case. Suppose you had this, and the money for it, would you or would you not lay St. Mary's existing school?—I think so, I think we should close it altogether.

2569. Therefore, you don't want to have both going on together?—Certainly not.

2570. Then should there not be a joint governing body for both, with power as soon as a joint school is established, to close any one that is useless?—Certainly. The objections I have to St. Mary's are the surroundings of the school, the surroundings are very objectionable.

2571. Archbishop ARDAGH.—Would you allow me to say that in the administration of this charity population is most important, and population is constantly running out in our direction, and considering we have in the military barracks a large Protestant population, and a considerable part of this unwashed is for clothing, we ought not to be left without the uniform altogether.

2572. Lord Justice FITZGERALD.—One present opinion would be that the governing body should have representatives of each of the parishes on it.

2573. Archbishop ARDAGH.—I hope you see we are entitled to a large representation. Although I have been sixteen years in the parish, I was never asked to become one of the governing body.

The inquiry was adjourned to next morning.

Oct. 14, 1887.

Rev. W. J. Gahan, D.D.

## PUBLIC SITTING.—SATURDAY, OCTOBER 15, 1887.

Oct. 15, 1887.

At the Court-House, Cork.

Present.—The Right Hon. Lord Justice FITZGERALD, and the Right Hon. Lord Justice NAISH, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., D.C., ANTHONY TRAILL, Esq., M.B., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, JUNR., was in attendance.

## ST. STEPHEN'S BLUECOAT HOSPITAL.—(continued).

J. C. Somerville further examined.

(The original grant, dated Sept. 2, 1689, produced.)  
2574. Lord Justice FITZGERALD (reads grant).—It is witnessed that William Worth, out of the pious and charitable intent that a convenient house should be built upon the spittle lands of St. Stephen's Chapel, in the South Liberties of Cork, and that a certain number of poor boys should be educated and maintained in the said house for ever, and that a maintenance may also be provided for such schoolmaster and schoolmasters as shall be from time to time hereafter appointed to teach the said poor boys, and to provide convenient meat, drink, lodgings, and apparel, makes the grant of the house and lands to certain trustees, at the yearly rent of £20 sterling."

Mr. Somerville.—That is what is divided among the college students.

J. C. Somerville.

2575. Lord Justice FITZGERALD.—There is a provision that the boys and schoolmaster shall be of the established religion, the schoolmaster to instruct the pupils in reading, writing, and arithmetic. The £20 rent to be paid half-yearly amongst four students of Trinity College, Dublin. Then there is a lot at the end which is perfectly illegible.

Mr. Somerville also produced the grant of extended leasing powers, made eighty-eight years afterwards, the register of the boys, commencing in 1780, and the accounts of expenditure.

Rev. Canon F. E. Sears, B.A., sworn.

2576. Lord Justice FITZGERALD.—You are one of the governors of the Bluecoat Hospital?—Yes.

2577. How long?—Between four and five years.

2578. How are the governors appointed?—They select themselves. I think they agree to elect. I was invited by Mr. Perrier, who wrote a letter asking me to consent to become a governor or trustee, if appointed. I wrote to say I would. Then I was referred to Mr. Jerny, the solicitor, and I was regularly instituted.

2579. Are you the only clergyman on the Board?—The only clergyman.

2580. Are the other trustees resident in Cork?—I think they are all in and about Cork. There are ten altogether.

2581. Dr. TRAILL.—Have you a parish near this?—I have, Inniskerry, between four and five miles from Cork.

2582. Lord Justice FITZGERALD.—How does it

appear that none of the city clergy are governors?—I cannot say. I don't know.

Rev. Canon Sears.

2583. How many of the ten governors take any particular interest in the place?—I cannot say they take any.

2584. Have you attended many meetings since you were appointed?—Many meetings.

2585. What was the largest number of governors who ever attended?—I don't think more than four or five.

2586. How are the boys admitted?—Each of the trustees in rotation is allowed the privilege of nominating a boy.

2587. Is there any qualification required for the boys?—He must be in sound health, and have his faculties.

2588. Are the boys, according to the deed, all of the same religious denomination?—They are.

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Rev. Canon  
Evans.

2589. What connection, if any, is required between the City of Cork and the boys?—The endowment was originally intended for the boys of respectable citizens, Protestants, connected with the City of Cork, and failing such boys, the trustees then had the permission to nominate a boy out of the city.

2590. As a matter of fact how many of the thirteen boys that are now in the place are of the city?—I think all are. The Bluecoat School adequately supplies what otherwise would be a missing link—the opportunity of providing for boys of a better class, as also those for whom the Protestant Orphan Society and the Industrial School would not be available. If the institution were closed it would be a decided loss in this respect.

2591. Have you made any nomination since you were appointed?—I have had one.

2592. Had you many applications for it?—There were two persons applied to me, very respectable persons indeed.

2593. I believe you take some interest in the place, and attend at a catechist?—I take very great interest in the institution.

2594. It appeared to me yesterday that the education that the boys got was of a very rudimentary kind?—It is very elementary, but I think, considering the ages of the boys, and their circumstances, and their future prospects, it is an average education.

2595. Do you think it is up to the average of an ordinary National school?—No; I do not.

2596. Why should this large endowment be applied to giving thirteen boys an education not up to that of an ordinary National school?—It would be very desirable to have it such, but I cannot say it is a large endowment.

2597. We have this morning seen a number of large and very vigorous schools that have no endowment at all. If this endowment was applied to supplement other provisions, might it not be made more useful?—It might, certainly. I attend regularly once a week to superintend the education of the boys.

2598. Dr. TRAILL.—The religious education, is it?—I also do the secular, but chiefly religious. I examine the boys in a general way. I examine their writing, and they write remarkably well. I examine them in grammar, their knowledge of that

is very elementary indeed, but still they know something about it, they spell well.

2599. How far does the best boy in the school go in arithmetic?—I think fractions.

2600. Could he do a sum in simple interest?—I don't know that.

2601. Mr. Somerville.—Four of the senior boys have gone through the National School arithmetic; two or three have gone over Thompson's arithmetic.

2602. Dr. TRAILL.—Are you satisfied of the school, generally?—No, completely voluntarily.

2603. Have you any schools of your own?—No, my parish is very small, just out in the suburbs—a rural parish. The young people in the parish live near Carrigrohane, Ballinacolly, and attend school there, which is more convenient to them.

2604. Would you and the trustees be inclined to put this school on a new basis so as to be more useful for Cork generally?—I should not like to see the endowment of that school perverted.

2605. Lord Justice FRANCIS.—What do you mean by perverted?—To see it applied otherwise than to the original intention.

2606. But at present it is only giving to thirteen boys an education not as good as they could get for nothing in any national school. Is that not "perverting" it?

2607. Dr. TRAILL.—You mean it should not be applied to other denominations, but if it was for the "Church of Ireland" would you be glad to see it reconstituted?—Yes, anything for the good of the school.

2608. Would you consent to any scheme that would be part of a general parochial scheme for Cork, in which this endowment could be utilized for helping forward the Church boys generally?—I would take most heartily.

2609. You, as a trustee, would give every facility for such a scheme?—I would.

2610. Would your co-trustees be inclined to do the same?—I cannot answer for them.

2611. Would you have any objection to bring such a matter formally before the Board?—I would do so. I would have no objection. I would be glad to consent to anything, or assist in any way that would promote the education and interest of the boys. I have only one object.

#### Archdeacon Jellett further examined.

Archdeacon  
Jellett.

2612. Lord Justice FRANCIS.—We are very anxious to hear your views on this institution?—It is, I think, plain to you from what you have seen of the city of Cork that the provision for primary education of our Church children is tolerably good, or that it is capable of being made good with the present endowments and the help that can be derived from the National Board; but the defect or disability under which our children labour is that there is really, with the exception of what is done at St. Luke's School, no provision whatever made for any intermediate education. We cannot compete with the Roman Catholic Church in that way, they have opportunities of giving higher education that we never can, it is quite impossible. They have a large number of persons of high education in their monastic orders, who are willing to devote themselves to the work of education in the most laborious and self-denying way. Whether rightly or not, we have no such provision in our Church, and there is no means provided for the intermediate education of our children here. As you yourself have stated, here is a school with a considerable endowment, and it does nothing more than give a very rudimentary primary education indeed to thirteen children; of course it feeds and clothes these, too, but that feeding and clothing of thirteen children out of this large community is a matter of very little importance.

Canon Evans.—I beg your pardon, the average number is more than thirteen.

2613. Rev. Dr. Meehan.—Sixteen.

Canon Evans.—Sixteen is the average number, it happens to be low at present.

2614. Archdeacon Jellett.—Why is it that the other places have not been filled up?

Canon Evans.—I cannot answer that question.

2615. Archdeacon Jellett.—It is plain that either the want does not exist, or the trustees who have these nominations have not acted.

2616. Canon Evans.—There is a new boy to be appointed this very day.

2617. Archdeacon Jellett.—Why have these three vacancies remained for a long time unfilled if there are persons suited for them?

Mr. Somerville.—It simply arises from this—we have had several applications, I think eight or nine, that we had to refuse, as they were not eligible, and of course we cannot go behind the scheme.

Archdeacon Jellett.—That is exactly what I say.

2618. Lord Justice FRANCIS.—Is it the case, Mr. Somerville, that there have not been applications from eligible persons sufficient in number to fill up the places?

Mr. Somerville.—The vacancies have but recently occurred, and in the usual way the trustees were notified, and some of them had boys; and even another

boy can be admitted, I think, next week; I understand that a clergyman of one of the central parishes of the city is interested for another boy.

2619. Dr. TRAILL.—Who has the nomination this time?

Mr. Somerville.—To-day's nomination will be Mr. Edwin Hall's.

2620. I thought you said yesterday that Mr. Nowenson was still a member of the Board?—I did not, he resides in England, away from the country.

2621. Archdeacon Jellett.—For my argument the difference between thirteen and sixteen children is very small indeed. Allow that they give this very rudimentary education to sixteen children, at a cost of, I suppose I may say, £300 a year at all events.

2622. Mr. Somerville.—That is a mistake, the boys are maintained and clothed and get an outfit.

2623. Archdeacon Jellett.—You said yesterday the entire property was £400.

2624. Mr. Somerville.—Excuse me, our entire income I said yesterday was £450, that is gross from the rents. We have £20 of recent increase, as I explained yesterday, we pay some £35 for poor rates, then there is £30 payable to the four students of Trinity College, the Board gives me £20 for all that work of collecting the rents and keeping the accounts, I am secretary to the Board also, but I get nothing for that, the scheme binds me as that as the schoolmaster. So that our available resources would be £370 in round numbers, and our outlay is £360 on an average. There are one or two instances where it is up to £370, and £384, and varying that way.

2625. Archdeacon Jellett.—I said there were sixteen boys receiving a very primary education at a cost of over £300 a year. I think that £300 could be used more advantageously employed.

Mr. Somerville.—And the boys maintained and clothed, and the schoolmaster paid £25 a year!

2626. Archdeacon Jellett.—I say that the money could be much more advantageously spent for the benefit of the children of the city, and as this Commission has the power of applying it in that way, I certainly, as representing the Diocesan Board of Education, would strongly urge upon them to adopt some plan by which this money might be utilised for the benefit of our children. It is practically doing very little indeed for education. Whatever it does is simply in the way of clothing and feeding sixteen children, but as to the education, it is retarding their education, it is an injury to them. I maintain that these sixteen children would be receiving better education in other schools if they were not there, so that for all educational purposes I maintain this institution is an injury to the children of the city. It is a benefit to sixteen children in the way of clothing and feeding, but if it is supposed that this money is to be applied to education, I maintain it should be applied in some other way than at present, and I want to point out a way in which it could be utilised for the very great benefit of the children of this city. If a superior class of Intermediate school was founded, to which children from all our other schools in the city should be promoted into this school in the way described here yesterday in reference to the Christian Brothers, we would be able to send them forward to the Intermediate examinations, and to give them an education which would put forward the clever children in a way in which we have no opportunity of putting them forward now. Our children are labouring under a terrible disadvantage in this city, they are being driven out of the field, there is not the smallest doubt about it, by the Christian Brothers' schools. All credit to the Christian Brothers schools for driving us out, but it is not at all reasonable that we should be glad to be driven out, and we wish to get any money that is available, for the purpose of putting our children on a level as regards educational advantages with the other children of this city. I would, therefore, urge upon the Commissioners, if they could see their way to it,

that they should devise some scheme by which this money could be utilised either for technical or intermediate education, or both. It would be very possible to have a technical school in the evenings, and an intermediate school in the day. If this school were put under the Board of National Education, with an endowment of over £300 a year, there might be a first rate school. I quite agree with Mr. Barker as to the mixture of secular and technical education, I think it is impossible. But it would be very possible to have an evening school, to which all the boys who wished to receive instruction of that kind could go, and that and an Intermediate school could be both maintained by means of this endowment.

Canon Evans.—The design of this institution is to supply very much what otherwise would be a missing link, that is an opportunity of providing for boys of a better class than what the Protestant Orphan Society or the Industrial School could supply. If this institution was closed it would be a decided loss in that respect.

2627. Lord Justice FitzGibbon.—How can you say you are providing for boys of a better class when you are giving them a worse education than the humblest boys get in the National schools?—It is not in that point of view, my lord, of course it is bringing them down from the better class to the worst class, I would be very glad if they could be sent to the Model School.

2628. What is to prevent your sending them there at the present moment?—That was considered by the trustees, and we were informed by Mr. Jernys, the Solicitor, that it would be inconsistent with the deed to have the boys educated outside the walls of the building.

2629. There is no change in the management of this institution that cannot now be made with your consent, the only obstacle to any alteration in the constitution of this school now is the want of the consent of the Governor?—I hope you will bear that in mind that this institution does provide a home for boys of a superior class to what the Industrial School would.

2630. I certainly must say that it does not provide a home to which any parent, however humble, would send his son if he desired him to get an education enabling him to keep a good position in life. Mr. Somerville is doing all that is possible for him to do, perhaps a great deal more than anyone else would do, in the way of feeding and clothing these boys, and keeping them out of the place clean. The one matter the Commissioners could not understand, I say so far as all, is how Mr. Somerville was able to keep himself and the hospital and its inmates as he does for the sum of money he gets, but the education is absolutely fit only for boys of the poorest class.

Canon Evans.—The boys are very happy and well cared for. I have had occasion to visit the school when Mr. Somerville was ill, or away, and I have been most agreeably astonished at the discipline of the boys; I have seen them keeping order amongst themselves under the head monitor, and when they did not expect me I have come upon them and found the schools in the best order.

2631. Archdeacon Jellett.—Would you allow me to say a word—the reason I speak in that for the sixteen years I have been in the city, perhaps no one has been more intimately acquainted with the progress of primary and intermediate education in the city. I have been intimately connected with the High School, which you have seen, and the Grammar School, and I was the person who founded St. Luke's National Schools, and I am also engaged in other departments of education connected with the diocese. As to principles I entirely agree with the Archdeacon of Cloyne. Archdeacon Jellett, with this exception, that I think if the Commissioners could see their way to carry out the recommendation of the Board of Education as regards the primary parochial endowments, those en-

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Archdeacon  
Jellett.

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Archdeacon  
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down-sets which clearly are for primary education generally for the poor of the city, and which can hardly be diverted from that purpose, it seems to me they would be ample to provide such special education as the technical education referred to. I entirely agree with the Rev. Mr. Burke and Archdeacon Jellett as to the almost impossibility of effectively giving technical education during the hours appointed for education in National schools.

2632. Rev. Dr. MOLLON.—I beg your pardon: Mr. Burke said he thought it was not practicable to teach trades or handicraft during the ordinary school hours, but in point of fact he teaches drawing, which is a very important element in technical education.

Archdeacon Archdeald.—It is in that sense I take it, the teaching of trades; we all agree that drawing ought to be universally taught. It seems to me that this endowment with the consent of the trustees might very fairly be applied to intermediate education. In the first place the endowment is intended for the children of a better class, and although at the time this endowment was formed it was intended these children should be taught trades, education has so progressed now that it is not necessary they should go to trades, and, I believe, it is these conditions in connection with the endowment that have circumscribed the number of candidates applying. I don't, from my own knowledge of the city population, believe any respectable parent, I don't believe any respectable artisan, I don't think a respectable woman's widow, learning and appreciating as they do the advantages of a primary education given in national schools in this city, would consent to sacrifice the education and the prospects in life of their children by sending them to this school as it is now constituted. I know, from experience of several years, that most promising boys educated in primary schools, educated in my own primary school, for want of some little help for further education, after passing through the curriculum of the National Board, have had to give up their further education in order to earn their bread. I have known instances of boys who took honors in the Intermediate examinations out of my own schools (the sons of respectable persons engaged in business) who have had to go to sea after that education, because they had not the means of going on for two or three years to receive a higher intermediate education. If this endowment could be applied, either in connection with boarders or day pupils, to supplement primary education, as it is represented in the Christian Brothers' schools, I believe there are at present at least 100 boys, most promising boys, educated up to a certain point, who would be eager to avail themselves of it—boys unconnected with our Church in the way whose abilities are lost to society practically from want of means to go on to higher education. It seems to me there is no endowment in the city which could be fairly applied to that purpose except this. I could be prepared to give many instances of boys whose prospects in life, for want of means, have been sacrificed for want of such aid as an endowment such as this would afford. I think the means could be very easily found for giving that intermediate education with the machinery that at present exists in Cork.

2633. Dr. TRAILL.—How regularly has this money to Trinity College students been paid?

Mr. SOMERVILLE.—It has been paid every year.

2634. Dr. TRAILL.—I have searched the minutes, there is one payment on the 8th September, 1883, there does not appear to have been any payment in 1884. I have not come to any payments in 1885 yet.

Canon SKEENE.—I understand that every year four students were paid.

2635. Dr. TRAILL.—What becomes of it in a year in which it is not paid, there is none paid in 1884 or 1885?

Canon SKEENE.—There was, I know, an interruption in the case of one student, he was a clergyman's son, but for a time the grant ceased, his parents thought that circumstances occurred which would not render it necessary to accept it, and very liberally he declined the acceptance of it, I think, for a year.

2636. Dr. TRAILL.—But there was not a fitting paid in 1884, 1885, or 1886 to anybody?

Canon SKEENE.—That very much surprises me. I think Mr. Somerville could answer it.

2637. Dr. TRAILL.—I mean to say it is not on the minutes. I have the minutes of September, 1880, when it is paid to four gentlemen named. What is the quantum required by your Act?—Five. There is a very great difficulty in collecting the trustees together, and on occasions we have gone through the business with a less number than five.

2638. Lord Justice Fitzgerald.—The conclusion we have come to with respect to the Blinnett School is, that on the evidence and on our own inspection of the school, we are satisfied that the present application of the endowment is not at all as useful as it should be, also that the present administration of the charity under the existing scheme is unsatisfactory. We therefore direct the attention of the governors to the provisions of the Educational Endowments Act enabling us to make a ready and complete means of extending the usefulness of this endowment, and securing its efficient government in future; and we express our strong opinion that it is highly desirable that the governors should consent to the endowment being dealt with under the Act so as to extend its benefit to the city, as it was intended it should be. It is, however, except from our jurisdiction, and we can take no further proceedings at present. We must ask the governors to meet and consider this matter, and if they pass a resolution in the terms of the 7th sec. of the Act, we can then make the charity as useful as it ought to be, otherwise recourse to the Court of Chancery would be the only course open, and would result probably in such expense as would cripple the endowment.

Canon SKEENE.—I desire to say that I most cordially accept the proposal.

2639. Lord Justice Fitzgerald.—We hope you will take steps to convene a meeting of your governors which ought to be attended by these city governors who take no part in the management of the institution beyond nominating boys when their turn comes, and not doing their duty.

Canon SKEENE.—I believe that proposal will tend to the advantage of the institution.

#### ST. PETER'S NATIONAL SCHOOL.

Rev. John H. Thompson.

Rev. John H.  
Thompson.

2640. Lord Justice Fitzgerald.—You are the Rector of St. Peter's parish?—Yes.

2641. I believe that is one of the parishes on the flat of the city?—Yes, it shares the flat of the city with Christ Church and St. Paul's.

2642. What school have you got in your parish?—I have a mixed boys' school in the school-house given by Sir Thomas Denne, and a mixed infant school in the house at the other side of St. Peter's Church-lane, which was hired by the Select Vestry, as being more

convenient than the site given by Mrs. Henry Shearman in Thomas-street.

2643. Your school appears to have a number of endowments, the first under the will of Moses Dune, 2nd October, 1796, £1,107 13s. 10d. lent to the Corporation?—It was in the first instance ordered to be invested in lands in the county Cork, and by some means it came into the hands of the Corporation, we don't exactly know how; it is now in their hands and the dividends are paid to me by the City Treasurer.

2644. What is the amount he pays to you?—£20 4s. 6d., that is divided, £40 a year for the master's salary, £5 12s. 6d. for coals, and £4 10s. for cleaning schools.

2645. The next item reported in 1886 was £300 Government Stock?—£300.

2646. £300, it was stated at that time; what is the amount now?—£300, that is supposed to be accumulated interest. For a time the charity seems to have been in abeyance and this money accumulated. It was then lent on a bond to Mr. Lynght and subsequently recovered from his executors by the Court of Chancery and invested in the funds in the names of the Archdeacon of Cork and the Rector of Saint Peter's.

2647. Is it vested in their names?—Yes.

2648. Where is the money?—In the Bank of Ireland, and paid direct to the Rector of St. Peter's.

2649. The next is a charge of £50 under the will of Sir Thomas Deane, 1st October, 1784?—This will was in abeyance, and in 1845 a late Rector of Saint Peter's, Archdeacon Kyle, brought it into operation through the Board of Charitable Donations and Bequests. He intended a school for twenty poor boys and girls, the children to be instructed in the principles of the Christian religion more especially the doctrines of the Church of Ireland. £5000 is given annually to the master and mistress, £3 a year to the master for teaching the singing of the psalms, £42 for clothing twenty boys and twenty girls, 23s. for providing a sermon, which is in abeyance; rent, £3; repairs, £5; water 10s., £1 1s.; making £64 1s. for educational purposes. That rent of £3 is paid by me to the Select Vestry for the use of the playground which we have on lease. Next, Mrs. Elizabeth Smith's will, 15th January, 1803, Chancery Scheme of 9th February, 1873, £1279 11s. This is paid to me through the Board of Bequests, two-elevenths for the Eliza Smith church school, four-elevenths for the education and clothing of poor children. And the funds of this charity are disposed of by me as follows:—£37 to the schoolmaster, £10 to the mistress, £8 10s. for clothes, and £1 12s. 6d. for repairs, making £47 7s. 6d. received from the Smith's charity for educational purposes. Then there is £11 10s. 16d. received as the sermon account which goes to the curate of St. Peter's, according to the Chancery Scheme.

2650. There are all the endowments connected with the boys' and girls' school?—They are a mixed school, the school that exists under Sir Thomas Deane's will, but the Smith's Charity portion goes to the infant school. Now, for the infant school, in 1794 Archdeacon Possessory bequeathed £180 Irish in trust to the Bishop and Archdeacon of Cork for clothing and keeping at school no more than twenty poor boys of St. Peter's parish as the funds would admit. This money is now in the hands of the Corporation who pay me 28 per cent.

2651. Mrs. Mary Sheehan's endowment was stated in the former report to be £212 6s. 2d., Corporation bonds, it may be Irish, it was stated to produce £20 13s. 6d. a year?—This Possessory and Sheehan charity were not sufficient, each to maintain an efficient school, and on the advice of the late Recorder of Cork they were doubled to support co-educational school. Mrs. Mary Sheehan on 24 August, 1728, bequeathed £10 annually to the Archdeacon and Mayor of Cork to found and erect a charity school in the parish of St. Peter; the children to be taught to read, write, and if convenient, the Latin tongue, which is not convenient. In 1793 Archdeacon Reader left a house for the school subject to the yearly rent of £2 10s. 4d., which is paid at present by me to the representative of the Rev. Robert Staveley, that is the house No. 1, Thomas-street.

2652. How is the house used?—The house is unfit for the purposes of a school, so the Select Vestry provided a room close to Sir Thomas Deane's school, and in this house to a tenant, and use the rent in paying the rent of the room, and in keeping it in repair.

2653. Dr. TRAILL.—How much is the house set for?—It is set to a very bad tenant; the letting is one thing, and the actual receipt another; it is nominally £16 a year, but the rent has not been paid.

2654. What is the head rent?—£2 15s. 4d. The rent has not been paid regularly, and the Vestry in some years have really lost by the transaction.

2655. Lord Justice FITZGERSON.—Are there any other endowments?—There are all for education. Sir Matthew Deane, by will of the 16th May, 1708, endowed an almshouse adjoining St. Peter's Church, where there are eight persons, six men and two women, supported. They receive free rooms, and coal, and clothing £10 a year, and a weekly allowance of money—on an average about 1s. 16d. each. The money is paid to me by the Board of Bequests.

2656. Is the whole endowment of the almshouse paid through the Board of Bequests?—The Board of Bequests pay to me every half-year the money for Sir Thomas Deane's school, and the almshouse.

2657. How are the almshouse held?—I could not answer that question.

2658. How are the school premises held?—I cannot trace. We simply have the schools. They were built, I think, on church property in the first instance.

2659. One of them is stated to be held under a lease, at £5 a year rent?—That is the infant school in Peter's Church-lane I spoke of, which the Select Vestry hired, a room and playground, as a better place than the original, No. 1, Thomas-street.

2660. It is also stated that the school was rebuilt in 1873?—That is Sir Thomas Deane's school.

2661. Have you now good schoolrooms and buildings?—I have one good school, the one that was rebuilt, in which the mixed school of boys and girls is held; the other one hired by the Vestry is capable of a great deal of improvement.

2662. What are the attendances?—In the mixed school in Sir Thomas Deane's schoolroom the number on the roll is 30 boys, average attendance 18-8, and the average age of these 10-9. Girls on the roll 25, average attendance 15-6, average age 10-6, making a total of 55, including boys and girls on the roll, and average attendance of 34-4.

2663. Lord Justice FITZGERSON.—That is short of the number entitling the master to a first-class salary?—The master receives a third class salary; there is an average daily attendance of 34.

2664. What is the attendance in the infants' school?—On the roll 44, average attendance 28-3, and average age of the infants 5-5.

2665. What is the teaching staff?—For the school in Sir Thomas Deane's schoolroom there is a master, Richard Nugent, he is First of Third, appointed in March, 1861. The schools were put under the Board in 1874, and he submitted to examination, and received his certificate.

2666. Dr. TRAILL.—What pay does he get?—He gets from the endowments £75 a year, and he gets from the National Board £25 a year, his rental fees last year were £17 11s., making a total of £127 11s. The schoolmistress who teaches in the infant school, Lucinda Nugent, wife of the schoolmaster, was appointed in July, 1863. Formerly she was at the Model School in Cork, and her certificate is First of Third; her income is £19 from the endowment, £37 10s. from the National Board, and 26 11s. rental fees, making a total of £204 1s.—her annual income.

2667. Have they a residence?—Before the school was altered they resided, but not since; they have to pay rent of their own.

2668. What class of children attend your school?—Extremely poor. On the roll the occupations of the parents are 3 tailors, 5 smiths, 4 carpenters, 5 printers, 5 cobblers, 4 painters, 8 coopers, 5 clerks, 1 shoemaker, 8 widows, 2 distaff workers, 5 working jewellers, 2 wheelwrights, 1 bookbinder, and 1 blind man, &c.

2669. Lord Justice FITZGERSON.—Have you taken

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Rev. John H. Turpin.

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Rev. John H.  
Thorp.

part with the other parishes in the proposal to establish district schools?—The education imparted to the boys in St. Thomas Deane's school is very inferior, and I think that having regard to the large amount of the endowment we ought to be able to give an infinitely better education for the money, and that we are not giving that education to the children that the endowment would warrant. For these, and perhaps for other reasons, I am certainly most heartily in accord with the scheme to have district schools, and so far as I am concerned I should certainly feel that the right thing to do would be to have a large and efficient school at Christchurch, which is only a few hundred yards from my church, where there are large school-rooms, and it would be quite possible to have a first-rate school, with a first-rate master, and there would be adequate pay for him. I think in justice to the children of St. Peter's parish they ought to get an infinitely better education than they do, and it is not in my power to give them a better at present. I feel that boys cannot be well educated in a mixed school with boys and girls together.

2662. Dr. TRAILL.—How long are you rector?—Nine months.

2670. Then you found all these masters and mistresses there?—I found them there, and had not time to make any change.

2671. Who was your predecessor?—Rev. Mr. Quick, who is rector of Douglas.

2672. Lord Justice FRYGEMAN.—Then, in your opinion the best way to improve these schools would be to place them under a central board, on trust to maintain four schools, of which one would be in your neighbourhood?—Yes; but I wish to say with respect to one item—you will observe our endowments are first to keep the schools in order and pay the school-master, and then there is an endowment in each case for the purpose of enabling the children to go to school—namely, to provide them with clothes. In any scheme that would be adopted the sum that has been hitherto given for clothes should not be diverted from that purpose, and nothing should be charged from St. Peter's parish but that which was for purely educational purposes. I think, having regard to the social

condition of my children, it is absolutely necessary they should receive some assistance in that way.

2673. Dr. TRAILL.—Does part of your parish come to the north side?—It comes to the Northgate-bridge.

2674. Would any of your children be likely to attend school on the north side?—Their sympathies are not in that direction, but exactly in the other direction.

2675. So you think a condition ought to be attached to the working of the central scheme, that, as far as your children are concerned, their clothing should be looked after?—That is the point. It may be objected that the giving of clothes has a pauperising effect. That need not be done in the school; and, as far as I can see, that seems to be purely a matter of arrangement. It depends on the judicious distribution of it by whoever has charge of it.

2676. Lord Justice FRYGEMAN.—Would it suit your views if the scheme was to provide that a portion of the endowment equivalent to the amount hitherto given for clothing should be at the disposal of the representatives of St. Peter's parish on this joint body, to be spent in clothes, if they thought right, otherwise to go into the general fund?—Yes; the clothing really enables them to go to school.

2677. Dr. TRAILL.—What proportion goes to clothing?—£50 15s. out of £180—£42 under the will of St. Thomas Deane and £3 15s. under the will of Mrs. Elizabeth Smith.

2678. Professor DOUGHERTY.—Have you been in the habit of spending that amount in clothing?—Yes; I could furnish the Commissioners with the names, and that has been going on as long back as I can trace it.

2679. You think you could continue to expend that amount usefully?—I think I could expend half as much again usefully. You must remember it is the poorest parish in the city—a very large number of poor shoemakers and people of that class, whom trade has been greatly injured by the introduction of machinery, and the character of the houses is such that poor people only are likely to dwell in them.

## CHRISTCHURCH SCHOOLS.

Rev. Canon Harley sworn.

Rev. Canon  
Harley.

2680. Lord Justice FRYGEMAN.—How long have you been Rector of Christchurch?—Nine years this month.

2681. What school have you in your parish?—When I came to the parish the schools had been just put under the National Board. We then had two schools—a boys' and a girls' school, separate, and we were able to have a mistress for that school. I failed to maintain my average of seventy, so as to demand an assistant mistress from the National Board. I was obliged then to ask that my school should be allowed to be a mixed school, and in that way we have gone on for about five years. The numbers on our roll at the present moment are 169, the average attendance for the last two months 163, the average attendance last month 74. I am thankful to say we have a good hope that we shall be able to get back our paid mistress, and get our girls' school started again.

2682. Dr. TRAILL.—What was the average attendance for the year?—Fifty-seven. I think. We were unfortunate in the middle part of the year. Fever set in in the flat of the city, and I lost my average which was well maintained before that. The school was closed for a little while on account of scrofula.

2683. Lord Justice FRYGEMAN.—What are your premises and how are they laid?—I have three school-rooms available, one 34 x 26, another 46 x 26, and another 31 x 23, with a master's residence, and library,

and various necessary things of that kind. Attached to these rooms are chambers where four women sit at present living, and the sexton of the church lives in another part of it. They are very large buildings, built some years ago at a large cost by the parish, and they are now very suitable and splendid buildings.

2684. In whom is the property vested?—We have it so long we don't know; it was glebe property. I think the churchyard and all are vested in the Representative Church Body. There is a public lane that is not used except as a pass between the school and the churchyard and church, there are no houses in it, and it is a sort of a private lane between Grand Parade and South Main-street. With regard to the moneys now, the master receives £50 a year, an assistant mistress £20 a year, the first and the cleaning, &c., connected with the school £30 (approx. produced). The National Board salaries, £87. The mistress is not paid by the Board but I have two monitors. Rent for £25 11s. 6d., and gratuity £2 10s., that makes £27 11s. 6d. Our local contributions include £12 6s. which I have from Sherman's Begones (account produced). I have the amount from 1836 of the expenditure of the Sherman's Begones. I receive about £35 a year. It is distributed, £13 Irish to Christ Church, £10 Irish to St. Peter's, and St. Fin Bar's and the Greencoat Hospital receives £3 Irish. The assistant charges on account of the poor rates

This money is all paid from the lands of Bellmalinda. I am called upon to give £10 Irish to the general poor of Christchurch parish.

2685. Dr. TRAILL.—What is the £15 Irish given for?—Directly for the schools, the same as St. Peter's gets the £10, each of the parishes are mentioned in that deed. My master is a classed teacher of the National Board, either first or second. He is a B.A. of the Royal University, and prepares pupils for commercial situations, Civil Service appointments, banks, sciences and art examinations, &c., in extra hours. We have special subjects in the school at all times, and I have been able to put out an average of about ten boys a year into offices and places in the city. I never can keep my sixth class, because it is always taken from me. I have the honour of feeling that my boys after their fifth class are looked for, and I leave applications from various merchants and friends to say, "Have you a boy for me," so I never can keep my sixth class, it comes on to business life.

2685a. Lord Justice FRY-GREEN.—The property that you have in the way of endowment appears to be confined to the *Shewmen's Bequest*, and the interest of the school premises, which are vested in the Representative Church Body?—Yes.

2686. What are your views about the establishment of district schools?—There is £10 Irish given to the general poor of Christchurch, which I expend, just as Mr. Thorpe does, in trying to provide clothes for the children of my parish, to provide books and things to prevent the children being different from the others. It does not stop at £10, it is nearer to £58, because I have the same class of children as Mr. Thorpe. I was much interested in his description because I had not my statistics as well prepared, but I can add one trade to his list, that of a basket-maker. Our parents are similarly circumstanced, and the numbers of my poorer children are not as large as they used to be. Several of the trades people are now going out towards the new buildings about the city, the *Hilberts Buildings* and the *Belmore Buildings*, St. Nicholas' on the one side, and St. Anne's on the other. The children in the school come from all parts of the city. The actual residents in my parish at the present time are some few under 900, they were up to 1,300, but the tendency to live out in the suburbs has reduced my numbers in the dist. of the city. My parish extends from Patrick's Bridge all round the river to the North Main-street. St. Paul's parish comes out at one side of St. Patrick's street, and St. Peter's joins that.

2687. Dr. TRAILL.—What is your Church population, Mr. Thorpe.

Rev. Mr. Thorpe.—Somewhat over 500; it is very variable, because that class of people move about a good deal.

CANON HARLEY.—You asked me my views with regard to the scheme. The Archbishop, as far as I have heard him, has stated what is the result of my mature decision, that is retaining the Model School; if we had four schools for the north, middle, and south, dividing the city just as the Roman Catholic Church has divided it, is to my mind what ought to be. St. Luke's is absolutely necessary, to my mind. And in that way I believe that all the educational wants of the city would be provided. I am perfectly satisfied that a Board such as we have proposed would be able to meet all the difficulties, and to arrange such schools as would

not only supply the wants of the parents, but meet the necessities of the clergy.

2688. Dr. TRAILL.—Whereabouts would you place an Intermediate school in that system, for all the clever boys from the other schools?—I was not calculating upon picking the boys out of the schools.

2689. We have endowments mentioned here which might be made available for Intermediate schools under the parochial system?—I want to get rid of the parochial system altogether.

2690. I mean an amalgamated parochial system, would it not be well to have an Intermediate school for the clever boys?—I think we ought to develop the Grammar school as much as possible.

2691. Do you think the Clark Grammar School would meet that want?—Most decidedly. The boys would rather go out of the city for quiet for their studies. As to technical education, if it was possible in some kind of way to give us technical education through the Bluecoat, it is a want that must be supplied somehow.

2692. Rev. Dr. MOLLOY.—Have you an opinion whether it would be more desirable to establish a separate school for technical education, or to provide a staff of technical teachers who would go from one school to another and teach in all successively?—It is new to me, and I have hardly formed a judgment upon it, but I think either way would work very well; I think I would rather have it locally at one particular place, and the children to go at a particular hour for that technical education. Of course, as you asked a question to a former witness about drawing—a school could not be a school at all if it did not teach that much, and all that is possible of the theory of technical education.

2693. One good drawing master could teach in the four schools?—Yes.

2694. And there would be a great economy in that arrangement?—My master teaches drawing as well as he is able, and we have been very successful in that branch of our technical work.

2695. Lord Justice FRY-GREEN.—But there would be only a small portion of the school time devoted to drawing, and what I understand Dr. Molloy to suggest is, that a good master would go one hour to one school, and another hour to another school?—I would be most happy to have that.

2696. You have spoken of the Model School, do you regard the Model School as belonging to your Church?—I beg your pardon if I left such an impression, but it is so used by my people that I delight in it, and I am so thankful to have it, it has done more good than I could tell you. My boys have gone there and had a first-class education, and children of better classes, that don't like to mix with the brawler children (I don't approve of that at all, but still I cannot force my parents, and don't do so), have taken such advantage of the Model School, Carmichael's, and St. Luke's School that I have felt quite thankful that there was that opening for Intermediate education. Those who could not afford to go to more expensive schools were able to take advantage of the Model School, Carmichael, and St. Luke's, and have obtained a first-class education.

2697. How many are at the Model School?—I think 212.

2698. Dr. TRAILL.—Then the Model School has been successful, you think?—I delight in it as being most successful, it has filled a most important gap.

Oct. 18, 1887.

Rev. Canon Harley.

Oct. 15, 1887.

## ST. FINN BARR'S SCHOOL.

Very Rev. Samuel G. Madden, D.D., Dean of Cork, sworn.

Very Rev.  
Samuel G.  
Madden, D.D.

2600. Lord Justice Fitzgerald.—You have under your charge St. Finn Barr's Parochial National school?—Yes, I am the manager.

2700. Has the school any endowment except under Mrs. Shearman's will?—Nothing.

2701. What are the school premises?—There is one large schoolroom, built many years ago, chiefly by subscriptions of the clergy, in honour of the late Dean Newman. It goes by the name of the Newman Schoolhouse, and we have just built a residence for the schoolmistress. These are all the premises we have.

2702. How do you hold those premises?—There is another house on the same portion of ground; we hold the whole under a lease, and the rent of this other house, which is not in our possession, pays the rent of the whole, so that practically we don't pay any rent.

2703. By whom is the rent paid?—I really could not tell you.

2704. Is it Church land?—No.

2705. Is your property indemnified in some way against the rent?—It is, we don't pay any rent.

2706. You don't know what your term is?—I do not. Mr. Verling Gregg would be able to answer those questions, the documents are held by him.

2707. Is it on the same piece of land you have built the teacher's residence?—Yes.

2708. What attendance of children have you?—The average is thirty-nine.

2709. Is it a mixed school?—It is, but we have only Hibernian boys, because, before I was made Dean, a boys' school we had was joined with the Christchurch school, and our older boys go to that school.

2710. What are your views upon the future management of the school?—I am very much in favour of this proposal to have four district schools. I have a great deal of experience of many of the parishes mentioned, for I was curate of St. Peter's for seven years, I was Rector of St. Paul's and Christchurch, and I am now rector of St. Finn Barr's, and I know their wants, and am of opinion that the education given to our boys in these schools is not at all what it ought to be, and what I hope it may be if this proposed scheme is carried out. I don't know whether I would be much affected, because I have a pretty good

school as it is for girls and infants; but our boys, I think, would be very much benefited by the change. Part of the scheme was that one of the district schools should be somewhere in the neighbourhood of the cathedral and St. Nicolas' church, but nothing has yet been done about the site.

2711. It would be prudent to utilize your existing buildings?—I have a very fine schoolroom in a very suitable locality.

2712. How is Mrs. Shearman's money paid?—Through the Rector of Christchurch—£10 Irish—practically £8 6s. yearly; that is the only endowment I have. It is charged with the condition of teaching the rudiments of the Latin tongue if convenient, but it is not convenient. I might remark that under the will of one of the Donors, Moses, I think, it was intended that a portion of the endowment should go to Christchurch; for some reason, I believe the property having failed, Christchurch got no advantage. This would strengthen the claim of Christchurch to have a district school and get some of the endowment, because it was plainly the intention of the testator that a portion of his property should go to Christchurch.

2713. Canon Hurley.—Allow me to say that my Vestry are determined, if matters are not arranged, that they will put in their claim for a proportion of the £2,000 that they did not receive, from whence came; that Moses Deane's bequest ought to be equally divided between the different parishes mentioned. We believe we have an equitable claim, but we don't want to raise any question if the scheme can be so arranged that we shall receive the benefit educationally of the endowments.

2714.—Lord Justice Fitzgerald.—You speak not only for yourself, but for your parishioners, in advocating this proposal of the Diocesan Board?

Canon Hurley.—Entirely, and I also wish to mention that we wish the £8 6s. that is given for clothing out of Mrs. Shearman's bequest to be added to the £13 6s., and go into the educational fund, we consent not to receive it for clothes any more, or for the general poor, but to throw it into this educational fund in order to get all the benefit educationally we can.

## GLENBROOK NATIONAL SCHOOL.

2715. Mr. W. D'Esterre Parker.—I gave notice some time ago about the endowment of the school at Glenbrook, and I wish to know if your lordship can hear it at this inquiry.

Lord Justice Fitzgerald.—We looked into it, and we came to the conclusion that there was no substantial endowment with which we could deal.

Mr. Parker.—The schoolhouse, ground, and building have been diverted from the original intention.

2716. Lord Justice Fitzgerald.—There was only the site and building?

Mr. Parker.—No more.

2717. Lord Justice Fitzgerald.—The school is inoperative, and we could never settle a scheme for the future management and government of a mere building where there is no fund.

Mr. Parker.—Are the children to be deprived of the instruction?

2718. Lord Justice Fitzgerald.—Is it not used as a school?

Mr. Parker.—It is under the National Board at present. It was originally given by my father to educate children under the Kilmore-street Society's rules, and then circumstances compelled us to put it under the National Board. Now some of the Church people have converted part of the building for Church

purposes and send the children upstairs to a room which is quite inadequate—they have been grabbing the room.

2719. Lord Justice Fitzgerald.—Who holds the place?

Mr. Parker.—The Bishop and the Rector, the trustees in whom my father vested it. I am my father's representative. I don't object to the Church people using it on Sunday.

2720. Lord Justice Fitzgerald.—It is not a school that comes within our compulsory powers, and there is no endowment except the building. The whole point is as to the management of this house; the trustees could set that right, and, if they are not administering the property in accordance with their trust, the Court of Chancery or the Commissioners of Charitable Donations and Bequests, or probably the County Court could remedy it.

Mr. Parker.—That would be expensive.

2721. Lord Justice Fitzgerald.—It would not be expensive to write a letter to the Commissioners of Charitable Bequests calling on them to exercise their powers to compel the trustees to carry out their trust, if they are not doing so.

Mr. Parker.—Thank you, my lord.

## CORK GRAMMAR SCHOOL.

Oct. 18, 1897.

Archdeacon Arkdall examined.

2722. Lord Justice FRYGROVE.—I believe the Grammar School is the property of a Limited Liability Company?—Yes. Major Knapp is secretary, and I think the Articles of Association would give you the information.

2723. How many shareholders are there?—Seven.

2724. What is the capital?—Now £3,000.

2725. The schoolroom cost, with improvements, £3,000?—There has been about £3,000 lost on the working of the school, and all that has been borne by the founders.

2726. Do you know how the proprietors desire, if they do desire, to alter the constitution of the place?—The school was founded entirely for the purpose of giving a better class boys' school for higher education in theory. The Bishop of Cork, and the Dean of Cork, and myself, Mr. Usher, Mr. Gosling, and Captain Pigot Bennis were the original proprietors. We paid £2,000 for the premises, and spent about £200 afterwards. We engaged a very highly qualified and a very considerable staff of teachers for all departments. The public for some reason did not second our efforts. We have no object whatever in carrying the school on except for the public advantage and would be most anxious that the premises should be used for an intermediate school—a school for higher education, in any way that the Commissioners might consider desirable. If we could obtain an endowment I don't think you would have any difficulty in dealing with the company.

2727. Would you be in a position to take advantage of the proposed scheme for organizing the Cork schools?—We would be quite happy to place it in the hands of the board you would constitute for managing

the other schools, and such a board would, very well administer the school.

2727. Then we will ask you to call a meeting of your shareholders, who are the only people really at liberty to deal with the matter, and if you send us a copy of your articles of association with a statement of what you are willing to do, we shall be glad to carry it out for you.

2728. Dr. TRAILL.—Would your idea of the Intermediate school be that it should be one for the sons of the gentry in the neighbourhood to come to, or be part of the parochial system for the elevation of the higher boys picked from the National schools?—I think it might be applied to both.

2729. Would you think it to be an advantage that the boys coming from primary schools could come in on cheaper terms, and the income derived from them could be supplemented by the larger fees paid by the sons of gentlemen?—I think so. It seems to me that there is a great want in Cork to enable boys who have received a very good primary education going on afterwards to the higher grades, and these boys are often turned aside for that reason.

2730. Would it be a good allocation of the money of the Bluecoat to pay fees for boys coming from those National schools to this school?—I think it would.

2731. Lord Justice FRYGROVE.—It is not a school for which we would undertake to settle a scheme under the Act of Parliament, it is really a private unendowed school, although owned by a company, but if the company wish to act with the others, we will be happy to exercise our powers to help you.

## ST. NICOLAS' SCHOOL.

2732. Lord Justice FRYGROVE.—The only other parochial school on our list is St. Nicolas'?

Dean Medden.—That is a very large parish school.

2733. How do you propose to deal with it?—The incumbent, Dr. Webster, is a very great educationalist, and I am sure he would fall in with the views of the Commissioners. It is a parish that bounds mine, there are a great number of new buildings for mechanics there, and some of the children attend my school. It is a parish in which it is absolutely essential there should be a good school, and there is a good school there.

2734. Lord Justice FRYGROVE.—There is a large

endowment connected with St. Nicolas' from Moses Deane and others?

Rev. Mr. Thorpe.—Portion of my endowments comes to me through Dr. Webster, the Rector, £235 half-yearly.

Dean Medden.—The sixth of the resolutions we passed contains this clause:—

"That, in any scheme proposed to the Commissioners, a clause should be introduced to the effect that, without the consent of the present incumbent of any parish, there shall be no interference with existing parochial endowments during his incumbency."

Rev. George Webster, Rector, sworn.

2735. Lord Justice FRYGROVE.—You are the rector of St. Nicolas' parish?—Yes.

2736. How long have you been rector?—Nearly thirty years.

2737. There are several schools in your parish that have property. First, St. Nicolas' Parochial National Boys School appears to have an endowment from Moses Deane?—Yes.

2738. What is the present amount of the endowment?—£165 a year.

2739. The former report states it was £3,550 17s. 8d. Government Stock, producing £164 16s. a year?—Yes, that is quite right.

2740. You receive that from the Commissioners of Charitable Donations and Bequests?—Yes.

2741. Do you know under what trust they hold it?—Well, it is under Moses Deane's will. When I came to the parish I found an entry in the will as if he wished to spend about £1,000 on an almshouse in St. Nicolas' parish, and I wrote to the Commissioners,

putting the facts of the case before them. They wrote back to say that they would not interfere with a question that had been settled in 1831. They would make no change; so accordingly the whole endowment ever since 1831 has gone to the support of the Moses Deane's school.

2742. That school is in connection with the National Board?—It was amalgamated in 1856 with the Parochial National School.

2743. Were they not connected with the National Board until 1853?—No, but they were wretched, miserable, parochial schools, and were always kept up in connection with Moses Deane's school.

2744. Have you separate schools for boys and girls?—Quite separate.

2745. What is now the average attendance?—The average I have now in a paper before me does not include the industrial boys. In the higher female school the number on the rolls this year is 44—average 36. Female infant school, on the rolls, 48?—

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average 36. Male infant schools, on the rolls, 52—average 37. In the higher male school the number on the rolls, 59·6—average 40, which is a marvellous average.

2746. That makes four schools?—Yes; I call Moses Deane's school five, and the Industrial school six.

2747. What is Moses Deane's school? I understood you to say that your schools were amalgamated?—Oh, no, we have to carry out the bequest of Moses Deane's will, and clothe twenty boys and twenty girls, according to the terms of his will, which, of course, would not give that school anything like the character of a parochial school.

2748. Is that clothing given to pupils who attend the National school?—They attend the National school.

2749. Are they educated separately?—No, they are taught together.

2750. Are the children in the school called Moses Deane's included in the numbers you have given us?—They are.

2751. Then you have five separate schools under the National Board, and under Moses Deane's bequest you clothe twenty boys and twenty girls?—Yes.

2752. Is Moses Deane's trust devoted exclusively to clothing?—To clothing and education.

2753. How do you apply the £168 16s. 1—Out of Moses Deane's fund I give my head master £35 a year, my head mistress £35, one of the senior mistresses £12, and another £35.

2754. You spoke of higher schools: what is the highest class of education given in the schools?—The National Board programme, quite up to the sixth class—of course including drawing, and all that kind of thing. Then the teacher teaches special classes, if they wish to learn French or anything of that sort. We call them "higher" merely for the purpose of giving distinctive names to them.

2755. Are they all in the same locality?—They are all under the same roof—a very large building, quite close to the church.

2756. How do you hold the buildings?—That is the most important thing that I wish to bring before the Commission. Up to the present the buildings are in a most unsatisfactory state. I want to know first, whether the Commission has power to create a body that will hold the property, for instance, of an Industrial school?

2757. We have power to create a body to hold any educational property whatever, including that of an Industrial school. (Fitzmaurice).—I am very glad to hear that, because I was greatly afraid it was otherwise, on account of the possibility that once this property passes into the hands of my successor he might turn them into corn stores.

2758. Kindly tell us how the schools are held?—It is complicated. First, part is built upon a large property that used to belong to, or was held in trust by, the Bishops of Cork for the support of the choir in St. Fin Barre's Cathedral, called St. John of Jerusalem. A strip belongs to that property, which has been bought by a private individual. The Bishops were never able to give more than a forty years' lease, and I am extremely anxious about it, because the lease of it will expire in 1902.

2759. Is it a renewable lease?—I don't know what the present landlord would do.

2760. Is it a renewable lease?—I don't know what changes the law has made, but the present proprietor, Mr. Reeves, is a clergyman in this diocese. He has bought the whole property.

2761. You mean to say that he has bought the reversion upon your lease?—Of course, I am secure up to 1902.

2762. Is the property devoted to educational purposes?—It has been devoted to educational purposes from time immemorial. The building was built in 1831, at the time Moses Deane's will came into operation. Moses Deane's charity, as far as I can make out, was property left in the last century, and it was

worked up by the late Dr. Quinry, who was a clergyman in this city, and some others, and I got other property called St. John's Charity.

2763. What rent do you pay for that portion of the property?—It is a curious thing that I pay £30 a year rent for the first take, and part of that property which is embraced in the £30 belongs to a gentleman, Mr. Alcock Stawell. I took more property afterwards, and part of that which I have now taken belongs to St. John of Jerusalem, and part of it belongs to Mr. Alcock Stawell.

2764. What interest have you got in that?—I built two very splendid schools.

2765. What is your tenure?—I hold under a lease that will expire in 1902.

2766. Lord Justice NAUGHTON.—How many leases are there?—There would be really only two. One strip belongs to St. John of Jerusalem, and the strip facing Cove-street belongs to Mr. Alcock Stawell.

2767. When you speak of St. John of Jerusalem what do you refer to?—A very large property granted by Charles II. to the Bishops of Cork for the support of the choir of the cathedral, and which the Bishops of Cork administered as long as the Church was established, but when the Church was dissolved the property went to the Church Temporalities Commission, and it has been sold in the market and has been bought by this private gentleman.

2768. The portion of your schools built upon that property is held under lease, as I understand, which will expire in 1902?—Yes.

2769. Lord Justice FITZGERALD.—We could not extend the term devoted to educational purposes if the reversion on that term is private property. We cannot take private property and give it to educational purposes?—That is the very question.

2770. But we can create a corporate body to hold whatever property is devoted to educational purposes, and such a body might have a better chance of preserving the endowment and of dealing with the proprietor of the reversion?—I think so.

2771. Lord Justice NAUGHTON.—To whom do you pay rent?—I pay rent to the agent of Mr. Alcock Stawell.

2772. Lord Justice FITZGERALD.—I don't quite understand your title between Mr. Alcock Stawell and the other lot?—Mr. Alcock Stawell really owns the entire holding, and I bought a second part from Mr. Reeves who held under Mr. Alcock Stawell.

2773. Was what you bought only the tenant's interest?—That is all.

2774. Does that tenant's interest expire along with the other in 1902?—That is what I was going to tell you. You may make it all one under Alcock Stawell. There is a corner that I cannot find out when it fell into the hands of the parish, and I have no lease of it. It is part of the £30 a year rent, and Mr. Alcock Stawell has no lease, and his tenant has no lease, and how it came to the parish is to me a mystery, or how it was held originally. All I can find out is that in 1821 they paid £15 a year for one part of that, and that then £15 a year was added. I cannot find out when. That is at the corner of Nicholas's Church-lane. How the land is really held by us I cannot say, it is held by us under no lease whatever, only there is a presumption of course that the property was handed over and the buildings put on it. It was before my time the £15 rent was added.

2775. You get one receipt for the whole £30 a year rent?—Yes.

2776. Has it been all treated as held for the same term?—I cannot say that, because the lease of part is for 999 years. That used to be an old approach to the church and is Mr. Alcock Stawell's. We wanted to get a lease for this and he was quite willing to give it, and I think he is quite willing to give it now, but he could not give it at the time the select vestry wanted him to give it, in 1871, because he was under age, and then the select vestry took the whole thing

out of my hands since 1871, and nothing has been done. If they had left it in my hands I would have paid the whole thing off in a few months.

2377. Lord Justice NASH.—Do you think you could get an extension of the lease?—Yes, in a couple of months.

2378. Has any attempt been made since to get the lease extended?—No serious attempt.

2379. Dr. TRAILL.—Mr. Alcock Stowell would be ready to do it now?—Well, he is of full age, and the select vestry are a great body.

2380. Lord Justice FRERGINSON.—And they might have got a lease for the whole?—Yes.

2381. Who pays the £30?—I know nothing at all about that.

2382. Why don't the select vestry pay it if they have taken it out of your hands?—The select vestry pay £25 for the additional part which I took, which was the almshouse and the girls' schools.

2383. Is the almshouse in the same building as the schools?—No, the almshouse and the girls' schools and the new approach to the church were all one take. I got it up by giving £50 to Mrs. Roche as an annuity for her life, and paying £25 a year rent. She is dead long since, and now the select vestry pay £25 a year upon that. They are two or three years in debt, I think, but I don't know.

2384. What is their interest in that?—I don't think their interest is more than twenty or thirty years more.

2385. Who is the owner of the reversion at the end of the twenty years?—Mr. Alcock Stowell—Mr. Alcock Stowell again.

2386. Dr. TRAILL.—I think you said there was a lease of 900 years of part of that?—No. The approach to the church was taken, when the new church of St. Nicolas's was being built, on the faith that the corporation would improve the condition of Cove-street, build a new city hall, and put a bridge across the river there. The corporation have not done any of those three things, but the people of St. Nicolas's pay £9 a year for that.

2387. Lord Justice FRERGINSON.—You have a long term for that?—900 years.

2388. What part of your school property is built under the 900 years' term?—My workshops, my big schoolrooms, and what we call No. 7 dormitory in the industrial school—a very large room.

2389. Have you any steps of these buildings or holdings?—I really could not say. All the documents were handed over to the collector to the select vestry in 1871, and I got two or three the other day by begging for them, but they are of no great importance.

2390. How would you propose to constitute a body to hold all that property?—I think the great advantage—to my mind the exceeding advantage, and the absence of it I would call a blot—would be that there should be a body created in Cork of some sort who would see that the schools would be always preserved for educational purposes. I, my own self, collected £7,600 for building them, and I certainly would leave the man after my death, if I could, who would turn them into corn stores. I think if the Corporation appointed some sort of Corporation, who would hold the property, it would make the chances of that industrial school. Also the industrial school, which is equally undefended, would require the same provision, for there is no body to protect the property, not even the rector and churchwardens, and the only persons mentioned in the leases are people that have ceased to exist now.

2391. How is the industrial school building held—is it all on the one property, or is it on an independent site?—The places I have told you of are built on the top of that building—that is what we call No. 6. No. 6 dormitory is built on the top of what used to be the infant schools. I built two large girls' schools at the Great Gate, as we call it in St. Nicolas, at very

great cost, to bring the girls out of the boys' school altogether. They are only day schools.

2392. Whether do you propose a parochial body to hold this property, or do you fall in with the proposal to have a general body for the whole city of Cork?—I would certainly rather have a body extending over all Cork.

2393. Do you approve of the proposal in reference to St. Nicolas's, that this property to which you have referred should be vested with the property of the other schools of the city, in some general body for the purposes of management?—With certain limitations of their powers—certainly.

2394. Lord Justice NASH.—What limitations would you propose?—I did not attend the meetings of my reverend brethren, but I am utterly opposed to the destruction of parochial schools in Cork; and I cannot understand how any clergyman would wish to have his children sent to what is called a district school. There is a very large district school in my own parish, inside the walls of which no clergyman of the Church of Ireland has put his foot for many years except the clergy of my own parish, that is called the model school; and I don't understand how any clergyman could possibly wish to have the children of his own congregation handed over to the charge of other clergyman.

2395. What are the limits of St. Nicolas parish?—It embraces the whole of the south side of the city up to the cathedral.

2396. Would it suit your ideas if the property was vested in a joint body in trust to manage this school as a school for the parish of St. Nicolas?—Certainly; because when I am gone the Free Church, which is in my parish, will be created an independent rectory, and will take off a majority of the people who are worse anything in the way of money, and then St. Nicolas parish will be the poorest parish in the City of Cork with an enormous Protestant population.

2397. What is the Protestant population of your parish?—I think it is 3,000. Some think it is only 2,500. It was 3,000 the last time I made an accurate count.

2398. Dr. TRAILL.—Would your parish be inclined to join a central system so far as to have an intermediate school to which your older boys and girls might be sent?—I am utterly opposed to it.

2399. Do you approve of the intermediate system of education?—I don't take any interest in intermediate education.

2400. Have you got boys and girls fit to enter upon a course of intermediate education?—I would not be bothered sending them.

2401. What becomes of their education after they leave you?—I don't know exactly what you mean.

2402. What I mean to say is—after they arrive at an age when they would be fit for intermediate education have they to go and get that education in other schools in Cork?—I believe some of them have gone looking for those money prizes in other schools, but I don't take any interest in that matter.

2403. Do you think that education should stop when a pupil leaves a National school?—I don't think it should ever stop.

2404. How would you provide for it then?—I keep them as long as I can myself. I keep them for the sake of their continued improvement.

2405. Do you keep a class yourself for intermediate education?—I do not.

2406. Then how are those boys who become old enough for it to receive intermediate education?—As well as they can get it. The teaching they are getting in my school is simply sufficient; but they are not educated.

2407. To what age do the pupils remain in your school?—I am sorry to say I cannot keep them very long—they are so frequently picked up for situations to which they are taken.

2408. Do they remain with you up to the age of

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sixteen I—I don't think I have a boy of sixteen in the school. I have one stupid boy.

2809. Are there boys and girls continuing to attend the schools up to the age of fourteen?—About that time they leave me.

2810. Do they leave you for occupations?—Yes.

2811. Are there none of them clever enough to get further education in the future so as to better their position in life?—I never clip the wings that God has given any child. I have some of my boys in Holy Orders, and I have some of them in other very responsible positions.

2812. Now take the boy that gets Holy Orders—how did he get the education that fitted him for the Church?—By honest diligent study.

2813. Under your own personal supervision?—As far as he ever wanted it.

2814. What is your objection to their getting intermediate education?—Cramming.

2815. But do you not think a good intermediate school could be kept up?—I don't think that any intermediate school could be kept up unless it went in for the money prize.

2816. There is an attempt being made in the Cork Grammar School to give intermediate education?—I am sorry to hear it.

2817. Lord Justice Fitzgerald.—You understand, Dr. Webster, that it is perfectly possible that one incorporated body should hold any number of different lots of property under different trusts, and it is equally possible to create a separate corporate body for each quantity of property that is held for the same trust. The proposal is to create one corporate body for all the Protestant parochial endowments in the city of Cork, which will hold all the property and see that the several trusts are served out. I understand you desire that St. Nicholas's endowment should be vested in that body?—I do, very much.

2818. The proposal is that the body should be constituted of the clergy of the various parishes with laymen elected by the various vestries. In that body the representatives of St. Nicholas's would be a constituent part, but nothing more, but the least on which each part of the property is to be held would be declared. As to St. Nicholas's, it is independent of any other parish now, and you desire that its endowments should continue to be applied for the benefit of the parish, or if it comes to exist that they should be preserved for education. We will ask you, at your leisure, to give us an accurate statement as you can of the property. If you have any difficulty in making out your complicated title if you can send us any original documents that you have we will read them rather than put you to costs. We also wish you to give us a full statement of the trusts that you would wish to impose on the new governing body. We cannot bind ourselves to carry out exactly your wishes, but we cannot settle any scheme without giving you ample opportunity of being heard. I rather gathered from the statements of the other gentlemen that St. Nicholas's was intended to form a district in itself, and whatever the effect may be in other parts of the town the "district" of St. Nicholas's would be the same thing as the parish.

2819. Have you any endowment for the Industrial School?—None whatever.

2820. Is it maintained entirely by the Corporation and Grand Jury grants?—No, indeed. I have very hard work in begging for it besides. I must get £100 a year to keep the school going.

2821. Is voluntary contributions?—Yes, up to £150 a year. Without that money we could not possibly keep up the school.

2822. What number of boys have you in the Industrial School?—Seventy.

2823. You are certified for a hundred?—I am certified for a hundred.

2824. Why is not the school full?—I say it is be-

cause of the utter indifference and selfishness of the Protestants of Ireland.

2825. Do you mean in allowing you to want subscriptions?—Not at all. In not seeking for poor starving children, and bringing them before a magistrate and sending them to schools such as this.

2826. Dr. TRAILL.—You mean the Protestants of the south of Ireland?—The school is open to all Ireland.

2827. You would not expect us in the north of Ireland to send children to your school?—I have children in my school from the extreme north of Ireland.

2828. Lord Justice Fitzgerald.—Would there be any appreciable increase in the expenditure by raising the number from 75 to 100?—It would be much more easy to sustain it at the full number.

2829. What is the nearest Protestant Industrial male school to you?—At Murlis Hill, Blackrock, near Cork.

2830. Does it take the same class of boys?—Yes; and I think there is a reason for that, because the boys in that school have only a means of learning agriculture. To a certain extent they are boys made intended for agricultural work, because they have got land; my boys have an opportunity of taking drish and things of that sort.

2831. What instruction do you give to prepare them for such things?—They get the full round of the education of the National Board. They are taught with the day boys, and we go by the law of the Commissioners who very shrewdly won't allow us to count them among the averages of the day boys—they are not so counted—just as the Incorporated Society for twenty years would not allow a child educated in a National school to compete for the Parnock Scholarship. Since I won the victory in Harcourt-street, after twenty years of fighting to compel the Incorporated Society to allow Protestant boys in National schools to compete for the Parnock, it was transferred to Marlborough-street to the National Board, and that board will not allow industrial schoolboys to be counted in the averages of the day boys. The Incorporated Society would not give us any encouragement because they are kept up to maintain Protestant schools, and now the Commissioners of National Education will not allow us any encouragement because they are forbidden to keep up urban schools; and to the present hour I say they are most stupidly refusing to allow industrial boys to be counted among the averages of National schools. There are very few persons in Ireland who allow National and industrial schools under the same roof, and who foster their education given in common, under the auspices of the Commissioners.

2832. Your seventy industrial boys are being taught in the same school with the National boys?—Yes. Of course, the masters are specially paid for them, and the head master gets a grand deal for his pains from the Industrial School Fund.

2833. Dr. TRAILL.—Why won't they allow them to be counted in the National school averages?—Because the Commissioners in Marlborough-street were founded by her Majesty for the purpose of supporting National schools, and they admit children of every denomination. They are an un denominational board, while the industrial schools are denominational, and it is their function in life to destroy denominational schools.

2834. But if they come from a denominational school to an un denominational school like a National school why should not they be counted among the averages?—As to that you must ask the Commissioners of National Education, and I wish to goodness you could get them to give an answer.

2835. Lord Justice Fitzgerald.—So far as I know the reason is that there is a grant already given for the maintenance and instruction of industrial boys which is supposed to be sufficient and therefore they will not give a second grant from public funds through the National Board?—That is not the real reason, and I am in a position to say so. That would be an ex-

answerable argument if the Government, which only pays 5s. a week, gave to who are the patrons of industrial schools enough money to both clothe feed and educate the boys; but they don't give it, or anything approaching to it. The whole thing would not cost the Commissioners £500 a year, and for this 2500 a year they are grudging us what we so urgently need, and creating irritation among all the managers. There is one revered mother at Kinnale, and there are one or two others in the North—where the Roman Catholic National school has a lady patron who is manager of the industrial school.

1886. The industrial school money is not paid through the National Board?—Certainly not. It is paid through Her Majesty's Treasury.

1887. They both come out of the Treasury in the end?—Yes, in the end. The argument would be answerable if the sum got from the Treasury, Corporation, and Grand Jury was enough to clothe, educate, and feed the boys and girls. But we don't get enough. If the case of my friend of the Greenmount School was examined it would be pretty much the same as mine. The Blue Book can be referred to, and you will see that the average cost of the boys in my school is much the same as in the Greenmount School—and pretty much the same all over Ireland. We are all agreed that we do not get enough money for the support of our boys and girls.

1888. How much is allowed?—5s.

1889. How much do you receive from the grand jurymen?—That depends a great deal on the grand jury.

1890. Do not the grand juries give 5s. 6d. 1.—Some grand juries do, but one grand jury that meets in Glencolm won't give me anything and owes me £25. Grand juries are not bound to give a halfpenny. The grand jury of Cork only gives 1s., but the other day I believe we waited 6d. more out of them.

1891. You think that there should be a grant for industrial school education in addition to the grant for maintenance?—The question is a very complex one. Any real friend of the National Board knows the awful importance of it. We get that which everyone knows the importance of getting—that is teachers of the same class as National school teachers. For example, my second master is in the industrial school, and is a highly qualified teacher under the National Board, but I have to pay him very largely in order to get his services, and the fact of his teaching in St. Nicholas Industrial Schools has not disqualified him from taking a position in a National school if it offered itself. But it is not a money question so far as I am concerned, it is the *esprit de corps*, it is the morale of the thing. I pay my teachers very largely, and I also pay the National school teachers school fees out of the industrial school fund, and the result fees also, so as to keep the children on a level with the others. The people I am trying to fight are most insouciant. If the Commissioners said they would not allow an industrial school to be at all connected with a National school that would be intelligible; but the late Judge Longfield and other persons of great influence carried so far with the Commissioners that they acquiesced in the proposition that where there was the same patron of an industrial school and a National school the industrial boys might be taught in the National school, but that they were not to be counted in the averages. Therefore they are tabooed. I demand that I should get the sum of money which I pay to have the children raised to precisely the same level and not have one looked upon as inferior to the other.

1892. Then your proposition is that where there is the same patron and where the industrial school pupils are ranked up with the National school pupils for all purposes as regards their school education, for school fees and results fees they should be counted in the averages under the National Board system?—Quite so.

1893. I don't think that is a matter we can

give effect to, but we can give precedence to your view?—That is the reason I mentioned it, because you are taking such evidence, and it is most important.

1894. Would it be equally beneficial to girls? Yes. In reference to the Blue Coat School, if I had been allowed to be one of the governors thirty years ago I should have had all those boys sent down to my schools to get a tip top education instead of leaving them to Mr. Somerville, who has had an enormous amount of labour and trouble for the last thirty years; but I was not allowed to go near it at all, though it is in the same parish.

1895. Dr. TRAILL.—If the pupils of the Blue Coat were taken into your school and educated there would that meet your wishes?—Yes. And in my industrial schools; take off what you wish for the education of the children, and let me send all the children to a good National school in place, and I will be satisfied.

1896. Lord Justice FRYGIMORE.—As I understand you, all you want is to have the industrial pupils taught in a National school as if they were ordinary pupils?—Yes.

1897. Can you give, in your school, to the pupils now in the Blue Coat School as good an education as they are getting in that school?—The thing is not to be compared. I go miles beyond them; Mr. Somerville cannot work miracles. He has done wonders as it is, and is as good a man as ever lived, but you can't make an empty sack stand.

1898. What is the endowment of the Woodley Scholarship?—There was a lady in my parish going to put a window up in memory of a little child that died, but she said she would do whatever I liked in reference to it. I said that a much more rational thing than putting up a window would be to found a scholarship. Accordingly she founded the scholarship, and left me to be the manager of the whole thing. I invested the money in Three per Cents, and the dividend I devoted to a prize. The boy or girl who gives the best answering in "Woodley's Evidence" every year is to get the prize.

1899. Is the money standing in your own name?—Yes, in my own name individually.

1900. Would you desire to transfer that into a corporate name?—Yes, on trust for the Woodley Scholarship.

1901. With regulations as at present, or such other regulations as the rector for the time being might desire?—No. The lady who gave it is still alive, she first gave it for boys, and I had great difficulty in getting her to extend it to girls; and she takes great interest in it. It is to be called "The Woodley Scholarship"—after the name of the child who died; and it is to be devoted by my desire to the study of Archbishop Woodley's "Evidence," and nothing else but that one book.

1902. Lord Justice FRYGIMORE.—For all the parish schools that have come before us we have no difficulty in undertaking to draw up a scheme, I don't say precisely, because matters of detail must be considered, but substantially in the way proposed—that is, to substitute for the parochial system, a district system consisting of primary schools and, above them, a better school for the Protestant inhabitants of Cork in each area as those best acquainted with the town from time to time may find it to be the best. As regards any parochial schools at present not within the proposed, the body which we will constitute will have power to deal with other parishes, as circumstances may enable them to bring them in without compulsion. There are two endowments before us that are in a different position. First, the Blincoet, in which we have done all that is now in our power to do, in directing as urgently as we are able the attention of the governing body to the present waste of that endowment, and the great need of bringing it in with the others, and making it most useful for supplying intermediate or technical

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Webster.

or superior education above that to be given by the primary schools. As regards the Greencoat School, it would not be possible to bring the endowment as a whole at once into the district scheme. Some of the purposes of the charity are very distinct from those of the parochial charities which are to be amalgamated, but we are strongly of opinion that the portion of the funds available for educational purposes ought to be administered jointly with the rest. The mode of doing this would be, perhaps, *inter alia* matter for lawyers' consideration, in framing the scheme so as best to utilise the funds. We went there this morning, and also to St. Mary's, Shandon, School, and I must say that the result of our inspection was that the Greencoat Hospital does not appear to us to be a very eligible building for a school. It is very old, much more fitted for the purposes of the almshouse than for the educational part of the charity. The schoolrooms are old-fashioned and gloomy, and not in good repair, and altogether it is a depressing place, which is perhaps the worst thing that could be said of a schoolroom. But it is there, and it would be a pity to waste money in building another school until money is more plentiful than it is at present. St. Mary's School is a much better building, and until people become more luxurious, it would appear rather

wasteful to discontinue that as a schoolhouse. But it is our duty to make every possible endeavour to utilise the Greencoat Education Fund in aid of the general educational system of that part of the city. We will ask the gentlemen representing each of the endowments included in these proposals to send us a detailed statement of the property, describing his school premises, and stating the title to them, because if we are to vest this property in a new body we must describe it as it would be described in a deed; and also to give us particulars of any other available funds. Although we have a good deal of this information before us, it should be furnished separately and certified to be correct. As soon as we have a schedule of the property to be included we will prepare a draft scheme. When the scheme is drafted and published, everybody concerned, during two months, can make suggestions which will be considered before the scheme is agreed. I must say that it is exceedingly gratifying to find a continued effort made here to utilise these ancient endowments. In every city we have found a number of endowments running away in dribsles, no use to anybody, whereas if all were gathered together they might be used well, and Cork has set an admirable example in this matter.

### HIGH SCHOOL FOR GIRLS, CORK.

Ven. *Mervyn Arundell*, Archdeacon, examined.

Ven. Mervyn  
Arundell.

2853. Lord Justice FITZGERALD.—What was the origin of the High School for Girls, Sydneyquay?—It began by the late Mr. Gosling and myself taking pity on the infants of the better class whose teaching was of a very trying kind compared with that of little children in National schools taught by trained teachers. We were the first, I think, in this country that introduced an English trained Kindergarten teacher, and we had a very large infant school for children under eight years of age of the more respectable people of the city. It was not a school school, but it was a school to which we sent our own children, and which we were very glad to have. When those children grew up, there was no institution in Cork for Protestant girls of the higher classes, that carried on a trained system of teaching, and we were at a loss to know what to do with the girls. The boys of course went to other schools. We brought over an English lady, Miss Arthy, highly trained and experienced, who carried on the school. The High School has been going on for eight years. She was here about four years, and then Miss Martin took it up as her success. Mr. Gosling first undertook the cost of it, but he found large and improved schoolrooms and appliances would be necessary, and he associated with him, on bearing the cost, the late Mr. Usher and Mr. Robert Hall, and with them we had a Board chiefly of clergy, the Dean of Cork, and myself, and Canon Harley, and the Bishop was Visitor of the school, and is so still. The lay gentlemen of the Board laid out a large sum of money on it. This school has always been conducted by the proprietors with a large amount of liberality. The non-proprietory members of the Board associated with them have been allowed equal privileges in the conduct of affairs, showing that it was a public spirit and desire for public education that influenced the proprietors. They have never gained any interest on their outlay from first to last. This programme (produced) will give you information as regards the present position of the school. The original cost of the buildings as taken from the original accounts was £2,767 to the proprietors.

2854. How was that money raised?—They gave it out of their own private means. They never made

anything by it. We understand that the proprietors have the control of the funds, but they have always allowed the Board, originally constituted by Mr. Gosling and me, and since filled up by the Board itself with non-proprietors, a larger number than the proprietors, a full voice in the matter. But I am sure that the proprietors, if the Commission could see their way to have an endowment for Intermediate Education for this school, would accept a scheme, reserving their proprietary rights, but limiting any profit that they may derive from the outlay on the school which has already taken place.

2855. We have no endowment that we could give. What we did in a similar case in Dublin, that of the Alexandra College and School, was to incorporate the managing body of the institution, vest the property in that body, sleeping delegates upon it which represented the original cost still unpaid, and providing for the regulation of the education by an educating body, not part of the supreme body but represented on it, and for the election from time to time of a governing body. Except by thus equipping you more completely to take advantage of the Intermediate Education system I don't know that we can do much. We thought it was possible you might have some funds for Protestant Intermediate purposes that you might be able to give us. We don't participate in the county Cork in any of the endowments under the Erasmus Smith Board or the Incorporated Society, and I don't know a stiffer object than the High School. We have 111 people on the roll, and although the majority are members of the Church of Ireland all the Protestant bodies of the city and neighbourhood are represented. We have not only a Church of Ireland catechist but a Wesleyan catechist for religious teaching, and the school is quite open in every way, and taken advantage of by all the Protestant people. There is nothing to hinder our Roman Catholic neighbors from taking advantage of its religious instruction is not compulsory. When I tell you that with all the depression in the south of Ireland for some years past, the school is at this moment more swelled of and in a better position than it ever has been before, it is evidence of how it meets a want in this city.

2855. What is the most pressing want to be met, if any small sum of money were available as an endowment?—The endowment of teachers for special branches of higher education. Our trained teachers are necessarily limited as regards the subjects they teach. The trained teaching goes chiefly to the ordinary branches of education. At present we supplement it with modern languages, and also with a certain knowledge of Greek and Latin and Higher Mathematics. You cannot expect the trained teachers to have a thorough acquaintance all round with those subjects, and the great want is thoroughly skilled teachers, professors, male or female, who could help us in such subjects. Also it would be very useful to give certain scholarships, if the money was to be had, to those girls who are going on for teachers. We have on our Board Professor Ridgway, Professor of Greek in the Queen's College, who takes a great interest in it, as do the Board generally. Miss Martin is most anxious to advance the education in the school up to a point necessary to enable the girls to go through the University.

2856. Can you give us your views as to how a Governing Body ought to be constituted?—What you stated with regard to Alexandra College ought to be very nearly the lines. There ought to be a body that would have absolute control of the education. Reserving the rights of the proprietors I think the educational body should be as representative as possible.

2857. Dr. TRAILL.—You mean when the profits reached a certain point, as soon as they get five per cent. on their money, for instance, the rest should be spent on the school?—Yes.

Mr. R. Gregg.—The proprietors would be quite willing to accept that.

2858. Archbishop Archedell.—There are three proprietors and Mr. Gregg can speak for them.

2859. Lord Justice Fitzgerald.—What representative body do you say they ought to be?—I think there should be a certain ex-officio representation.

2860. What offices would you look to?—I would say my successor in the office of Archbishop of Cork, it is a more popular appointment than it was in past times, and one or two city clergymen, perhaps the rector of St. Luke's or St. Anne's, and if it were possible to have education represented by certain professors connected with the Queen's College or other educational institutions.

2861. In the Alexandra College they have a certain number of clergymen or professors, and those who occupy them constitute the council of studies, but they have larger numbers to draw upon than you have in Cork?—Quite so, I think you should have the Board practically elected from certain classes in the city, and representative also of the interests of the parents of pupils.

2862. In some schemes that we have settled, persons who have paid a certain amount of school fees elect a representative on the managing body. Do you think that would be a good element?—I doubt it, at present in Cork, I think, it would be a dangerous element.

2863. Dr. MOLLOY.—Outside the ex-officio element you speak of, how would you provide the other members of the Board?—I think at present it ought to be done by co-option.

2864. Suppose we put in a provision that the members co-opted should be persons versed in education?—I think that should be necessary, and they should have some distinction in connection with education, some university degree, or a position in connection with literary societies.

2865. Dr. TRAILL.—Would you give a veto to persons who subscribed £100?—I think so.

2866. Or would you approve that annual subscribers of £10 should elect one—something of that sort?—Yes.

2867. Rev. Dr. MOLLOY.—Is there any machinery at

present for collecting subscriptions?—The school has been entirely supported by the proprietary members, and now it is practically self-supporting, but we would wish very much to have means of endowing certain professorships connected with the school to make the more advanced teaching thoroughly efficient.

2868. Lord Justice Fitzgerald.—The governing body would, of course, be empowered to receive endowments, and accumulate or apply any funds available, and take their share of any open endowments, such as the Intermediate Education Fund. With regard to the endowments you have mentioned of the Incorporated Society and the Erasmus Smith Board, we have fully investigated their origin, and we find that with perhaps one very small exception, all the Incorporated Society's endowments are derived from private donors, and many of them limited to particular places or purposes; they are in fact an aggregation of a number of totally distinct endowments under the management of one governing body. We therefore could not, consistently with the Act, divert them from the intentions of the founders, but, so far as they are denominational (and without positively sanctioning our decision, we say so) the tendency of the evidence is that they are denominational, we would endeavour to create a central body representing the denomination to which they belong, which would have power to assist, from any fees funds they have, any institution that they thought proper. The Erasmus Smith's endowments are in a different position. We have not advanced as all so far in the inquiry with regard to them, but the whole of that property is derived from a single donor, and is covered by his intentions, which are complicated in some respects, but I know nothing tending to the conclusion that we could extend them to Cork?—If we could get a scheme of incorporation, we would be far more likely to induce the Board of the Incorporated Society to give us aid afterwards.

2869. We have had that in view all through; although we cannot give endowments, we can encourage the giving of donations by giving the best means of utilising educational funds?—I would like to say that the principle on which the school has been conducted from the first has been that of employing skilled teachers, not merely ladies with university degrees, or having passed certain testing examinations as to knowledge, but ladies thoroughly trained and educated in the science of teaching.

2870. What is your present staff?—Miss Martin can give you the particulars, but our head mistress has always been a lady recognised as trained and educated, thoroughly understanding the whole discipline and order of girls' school-teaching in England. We founded it on the principle of the English High Schools, and have always tried to obtain the same class of teachers. We were not able to get the class of teachers, from a social point of view, trained here in Ireland; and therefore we have had always hitherto to bring them from England, and especially our head mistress, and also the head mistress of the Kindergarten. We have found that the education imparted was of the most thorough character, the classes had all attained a certain standard of knowledge just as they do in the schools under the Government inspection, only of course embracing a wider curriculum, and I don't think there is in Ireland at present any other school conducted as ours is on the principle of the English High School.

2871. You have a very extensive Kindergarten establishment; do you find the teaching of modelling, drawing, needlework, &c., useful?—Very useful. We have girls who began in the Kindergarten and went on through the whole intermediate course, junior, middle and senior. We never sought distinction in the course, because that requires special training, but girls went up out of their ordinary course and passed most creditably; the average of passes has been far above the average of ordinary schools. At the same time we cannot do much as an intermediate school

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because the parents of girls don't care to have them go to except in special cases.

2873. Do you think they are getting out of that feeling?—To a certain extent they are; it depends a good deal on whether the head mistress encourages it or not. Miss Martin did not in the past, because she did not see the bearing of the examination, but now I think she does.

2874. The northern teachers told us the great difficulty was with the parents; the parents thought it was bad for the girls, but the teachers told us the children who went in for these examinations were better, and happier, and more industrious than those who did not.—That is my experience. On one occasion we sent three of our girls up to Trinity College examinations, and one of them was elected next to the Provost's daughter, and they all got high places, but we found parents in Cork don't care to send them up to Dublin. Our great difficulty in Cork is to get well-to-do parents to leave their children in the hands of the teachers, so as to deal with them in the most advisable manner; they lay down conditions and make special arrangements by which we cannot advance the children. But I hope the Commissioners will be enabled to say that this school is unique as regards the character of the head mistress, and the system under which it is conducted.

2875. We saw it was an extremely well arranged and very well-furnished institution, occupying apparently a very high position, but having seen the Alexander College in Dublin, and the Ladies' Academical Institutions in Belfast and Londonderry, don't ask us to say your school is "unique" though it seems certainly up to anything we have seen elsewhere.

2876. Dr. MONAGHAN.—We think your institution is highly efficient and does excellent work, but we have seen other institutions which seem not less efficient or deserving of encouragement. I think Mrs. Byers, in Belfast, does quite as much as you do at

that superior intellectual training which requires specially trained teachers, only Mrs. Byers has not been obliged to go to England for her teachers, because she trains them herself.—They have a class of trained ladies in the north of Ireland which we have not got here, and we had to go to England on that account.

2877. Lord Justice FRYGEMAN.—I suppose your girls in time may supply you with that class.—That is one of the advantages the school gives. There is one of them at least in the school acting as a trained teacher.

2878. Rev. Dr. MONAGHAN.—I quite agree with everything you said except the word unique.—I mean in this respect that it is the only school in Ireland that is strictly on the lines of the English High School.

2879. Professor DOUGHERTY.—Is that in respect of having teachers trained in England?—Perhaps I am wrong as regards Belfast, I could not say, I don't think in any provincial town of our dates with a limited Protestant population there is anything like it.

2880. There is another northern town, Derry, equally well provided with ladies' schools.—Well, the Commissioners have a wider experience than I have, at the same time there has been a great difficulty from ear limited population, and the very large and worthy competition of private teachers, and it is a very difficult thing in Cork to maintain a thoroughly efficient system of education carrying on the pupils all through a regular curriculum. We certainly have had great difficulties in working the school up, now it seems to have attained a position where it is appreciated and our position understood and our numbers are increasing. There is another school that will come before you—Rochelle, in which I take a great interest, it has acted as a training school, and I think it would be great pity if one of these schools should clash with the other.

2881. Lord Justice FRYGEMAN.—There is no hostility, I believe, between the two?—None, whatsoever.

Robert Gregg, solicitor, answers.

Robert Gregg.

2882. Lord Justice FRYGEMAN.—You are one of the proprietors of the High School?—I am.

2883. Can you tell us from a lawyer's point of view what your position is?—There are two separate leases under which the property is held, one portion, formerly the school occupied by Mr. O'Brien, is part of the Kindergarten; of that we have a lease made in 1852 for 500 years at a ground rent of 28 s. a year. In 1881, for the enlargement of the school, Messrs. Goulding and the other proprietors took a new piece of ground upon which the greater portion of the school you saw to-day was built.

2884. How did they become proprietors of Mr. O'Brien's interest?—By assignment from time to time they purchased the interests, and eventually Mr. Goulding took an assignment of the lease to Mr. O'Brien. He afterwards took a lease to himself, Mr. Osborne, and Mr. Hall of the other portions of the ground upon which the classrooms are built, for a term of 500 years at £15 a year.

2885. Then you are liable to 225 s. for the entire premises?—Yes, and Mr. Goulding laid out about £1,050 on the premises. The property remained vested in Mr. Goulding, Mr. Hall, and Mr. Osborne.

2886. Was any trust declared?—No, except that it was stated in the deeds to be taken for the purpose of increasing the accommodation.

2887. Are any of these gentlemen still living?—Mr. Hall is living.

2888. Is he still a proprietor?—No; Mr. Goulding having died his interest vested in his son, Mr. Wm.

Goulding, who lives in Dublin, and he and Mr. Hall assigned their interest to Messrs. Robert Day, W. H. Hill, and myself.

2889. Do you hold as assignees for value or as trustees?—We hold as assignees for value, we have purchased them completely out for the purpose of keeping it as a school.

2890. What amount of money did you apply for that purpose?—£1,000.

2891. How was that £1,000 made up?—Made up evenly between Mr. Day, Mr. Hill, and myself.

2892. Then the private money now in the place is represented by £335 6s. 8d. for each of three proprietors?—Yes.

2893. There was £1,797 more spent by Mr. Goulding?—Between them there was a loss of that amount to the previous proprietors.

2894. Archibald Archibald.—Mr. Osborne's representative went to live in England, and previously handed it over to Mr. Goulding and Mr. Hall; he had mortgage on it, and they paid him his mortgage, so his proprietary interest was vested in them.

2895. Lord Justice FRYGEMAN.—There was a contribution at all events of over £1,700 by the three outgoing gentlemen?

Mr. Gregg.—That would be the result of it.

2896. And the three present gentlemen have paid £1,000?—Yes.

2897. What is the claim of the three present proprietors as to that £1,000; how far do they hold themselves bound by any trust for education?

—There is no trust of any kind; we merely purchased the interest in the premises, and whatever the good-will of the school, if it might be so called, is.

2988. How is the financial business of the school carried on?—The secretary, Mr. Harrison, receives all the monies each term; he sends out the accounts to the parents of the children, gets in the money, and pays everything, and up to the present it has never done more than pay the actual outgoings without any interest.

2989. But you have not had to advance any further money?—No. The deed was only executed on the 14th September last; we had arranged about twelve months ago for taking it up, and we have it since June, 1886, actually under the proprietary.

2990. If the place is finally devoted to educational purposes by a scheme under the Act, what demand should be maintained against it in the interests of the proprietors?—The proprietors would, of course, be delighted to hand over their interest for the money they have given in order to keep it up as an educational establishment.

2991. Would they be satisfied with a charge upon the premises for £1,000 principal, and not to receive payment except out of any surplus after keeping the institution going?—That would be my own opinion, and I am certain Mr. Day has the same opinion. I have not spoken to Mr. Hill on the question.

2992. Rev. Dr. Motley.—Should you be willing that all the income derived from pupils fees should go to the maintenance of the institution, and that no part should be set aside for the profit of the proprietors?—Decidedly. If there was any surplus afterwards to go to payment of interest for the money, I would not say that they would not wish to get some small interest for it.

2993. There never will be a surplus if you devote all the money to improving the school?—I think from what I heard expressed the other day by Mr. Day, that he looked upon the money as gone, and that would be my own view.

2994. Lord Justice Fitzgerald.—Would it satisfy your view that your £333 6s. 8d. should be treated as money invested on these buildings, subject to a joint trust for education, and that you should get your money back out of the premises, for that plainly would be just, if it ever ceased to be a school?—I am quite satisfied.

2995. In other words, you are quite ready to hand over this £1,000 as an endowment for the institution?—Yes.

2996. And if it ever ceased to be an efficient institution, you should receive back the premises or your money?—That would be only fair.

Archdeacon Arkdall.—I think those gentlemen ought to have a clause in any deed drawn up, by which interest at five per cent. should accrue to them, provided the educational requirements of the school would be met.

2997. Lord Justice Fitzgerald.—The educational requirements are very elastic, and will always go as far as the money will reach.

Rev. Dr. Motley.—It will simplify matters very much if we regard the school buildings and premises as an endowment.

Archdeacon Arkdall.—The earning for 1876 was exactly £751, and the expenditure was over £600. We are earning now at the rate of over £300 a year, so that that would leave some little surplus.

2998. Rev. Dr. Motley.—If we may deal with this as an endowment, we must constitute a governing body to manage it, and incorporate that body and make it perpetual. We must therefore provide in some way for successors to the present governing body. There are three proprietors at present; as regards these proprietors, perhaps the best way would be to allow each of them to nominate his successor. In case any proprietor does not nominate his successor, we should

provide for the succession in another way; but we might, in the first instance, give him the option?

Mr. Gregg.—Yes, sometimes it is rather difficult to get people to accept a trust.

2999. Rev. Dr. Motley.—Next, I think it would be desirable to enlarge the governing body in order to give the school an opportunity of expanding; and the Archdeacon has suggested that possibly we might put on *ex-officio* the clergymen of the parishes from which the pupils come as persons that will take an active interest in the institution. I think you mentioned three; one of them was the rector of St. Luke's?

Archdeacon Arkdall.—They come from the whole city.

3000. Dr. Traill.—The great difficulty is that some clergymen who would be on *ex-officio* might take no interest in the school.

3001. Rev. Dr. Motley.—Then should you object to the *ex-officio* element, or should you think it desirable to have at least the rector of the parish in which the school is situated?

Mr. Gregg.—I certainly would like to have the rector of the parish, and one or two others associated with him in addition to the lay proprietors.

3002. Dr. Traill.—Would it satisfy you if the clergy of Cork were to choose representatives amongst themselves?—Not if the board was constituted with too large a number.

3003. But supposing the clergy chose two representatives, selecting in each case the most suitable person, whether he be the rector of St. Luke's or of any other parish?—I think so.

3004. Rev. Dr. Motley.—Should you think seven too large a number for the governing body?—I would not, we have six at the present moment.

3005. Lord Justice Fitzgerald.—Who are the six?—The proprietors, the Archdeacon, Canon Hanley, and Professor Ridgway.

3006. How did you appoint them?—We nominated Professor Ridgway ourselves.

3007. Rev. Dr. Motley.—Suppose you decide upon having a board of seven or eight; you have already got the three proprietors, and the rector of the parish; the Diocesan Council might elect one person who would represent the general interest of the Protestants of Cork, and then the board could co-opt two persons interested in education, so as to bring the number up to seven?—I think that would be a sufficient way of doing it.

3008. As a matter of fact you have the rector of the parish at present?—We have.

3009. Is it in St. Luke's?—It is not. I happen to be one of St. Luke's congregation, although I am further away from it than the school, in fact it is St. Anne's, Shandon. I would have no objection whatever to have the Rector of St. Anne's, Shandon.

3010. Suppose we put on the two rectors of St. Luke's and St. Anne's?

Lord Justice Fitzgerald.—The only *ex-officio* member of the Alexandra College Board is the Archbishop.

Mr. Gregg.—Our present Bishop is a visitor.

3011. Dr. Traill.—Is there anything parochial about it?—No, the only reason I mentioned the rector was because I was dealing with the Archdeacon and thinking he was the rector at the moment. The religious instruction is looked after by a clergyman of St. Luke's parish.

3012. Do your board feel themselves free to invite any clergyman they choose?—We always like to take one who is close to us.

3013. Would it not be better that all the clergymen of the different parishes from which the girls come should themselves choose one or two or whatever number of clergymen you wanted to be on?

Archdeacon Arkdall.—It would occur to me that the Board you propose to constitute for the management of the primary schools would have the clergy of the city and certain lay men on it, and that Board

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might have the power of nominating one or two members.

Lord Justice FRYGUSON.—We could give the nomination to the Diocesan Council, or to any body authorised to act for the Diocesan Council, (as the Board of Religious Education in its constitution might not be sufficiently permanent).

2923. Rev. Dr. MOLLOY.—You have no body of subscribers at present?—None whatever.

2924. Suppose benevolent persons were to contribute largely to the institution, should you think it desirable to give them a right of nominating to the Board in some way proportionate to their contributions, say all subscribers of £100 and upwards?

Mr. Gregg.—I don't know whether so small a sum as that.

Lord Justice FRYGUSON.—The backbone of northern institutions is this franchise for subscribers. There have been five gentlemen up to the present who have given large sums of money to this plan.

2925. Rev. Dr. MOLLOY.—It would not be desirable to do anything that would swamp the original proprietors. But do you not think it would stimulate people to come forward and subscribe, if subscribers were allowed to have a voice in the selection of the governing body?—I don't think there is much chance of it.

2926. Dr. TRAILL.—Provided the number to represent those subscribers was not more than three or five?—Oh, decidedly, if it did not exceed a certain number, did not exceed seven, I think that would be quite a sufficient number to be on the Board, you never had more than three or four to attend.

2927. Rev. Dr. MOLLOY.—We have already provided for seven, three proprietors, two elected by the Diocesan Council, and two voted in education council?—That might be sufficient.

Lord Justice FRYGUSON.—We might add two more to be elected by subscribers of a substantial sum, say £20 or upwards, if the number of such subscribers reached a certain figure.

2928. Dr. TRAILL.—Would it be possible for the present proprietors to sell their interest to a variety of persons, suppose each of you sold £100 to another person, could the number of proprietors be increased

in any way?—It could, for instance, if we were to make it a limited company it might be done in that way.

2929. Professor DOUGHERTY.—You are aware that these English schools to which the Archbishop referred are generally the property of a limited company?—I believe some of them are.

Archbishop ARCHBISHOP.—I am sure the proprietors would be glad to distribute their contributions over a large number, making a subscription rather than a limited liability company. I think the school is unique in this respect, that you won't anywhere else in Ireland in a small community find so many gentlemen losing their money for a class which certainly are not objects of public charity.

2930. Lord Justice FRYGUSON.—This is to a great extent a private institution, and therefore we would be very slow indeed to pass any proposal on you against your will, at the same time we will do all we possibly can to make your undertaking permanently successful, and when we propose a draft we will ask you to give your views on it fully.

Archbishop ARCHBISHOP.—I do not think it fair that these gentlemen should allow their £1,000 to be swallowed up, if the Commissioners could find it in this way, that subscribers going in and receiving these contributions to any extent should have in the nomination of the governing body, certain privileges, I think that would be met by others in Cork who would wish to have a share in a school of this kind.

2931. Lord Justice FRYGUSON.—Make it a sort of company with £100 shares?—Quite so.

Dr. TRAILL.—You would call it a £100 donation, the word share always involves the notion of getting money back in the way of interest.

2932. Rev. Dr. MOLLOY.—What occurred some was a provision by which we might fix upon a particular sum, say £100, and that any person who subscribed this sum, should have the right to nominate a governor, but that the total number so nominated should never exceed ten.

Archbishop ARCHBISHOP.—It would be desirable to have a larger number of donors who would take an interest in an educational institution of this kind.

Miss Harriet A. Martin, sworn.

Miss Harriet A. Martin.

2933. Lord Justice FRYGUSON.—Kindly give us the particulars and the qualifications of your teaching staff?—I think I told you in Dublin my own qualifications.

2934. Then, tell us the staff at present working with you?—My first assistant is Miss Florence Florry, she has a first-class certificate in the Dublin University, Trinity College, and also a certificate from the Science and Art Department, and in drawing. Miss Jane Haden, my second assistant, was taught in the Model School, Cork; she has no special certificate. She was partly trained by myself, and has been with us ever since I have been in charge of the school. Modern languages are taught by a Diplôme of Hassen-Darmstadt. We have a second language teacher for German with a similar diploma. The lady in charge of the Kindergarten has no special certificate; but she was specially trained in the Kindergarten system under the High School Mistress at Plymouth.

2935. You have a music teacher also?—Yes.

2936. Altogether six ladies besides yourself are engaged in teaching?—Yes.

2937. We see Dr. Knight's name as Professor of Mathematics?—Yes, but he takes only the advanced class.

2938. Have you any other gentlemen who teach?—Mr. Harper, he is a trained teacher—teaches Latin only.

2939. Your subjects are in the lower classes—religious instruction, English, writing, arithmetic, elementary geography, object lessons, singing, drawing, French, Kindergarten occupations, and calisthenics. And in the upper classes—religious instruction, English history and literature, geography, arithmetic, mathematics, French, German or Latin, natural science, drawing, class singing, needlework, writing, and calisthenics?—Yes.

2940. Dr. TRAILL.—Who teaches calisthenics?—Miss Harley.

2941. Lord Justice FRYGUSON.—Your fee in the High School are—from 9 to 12, 2½ guineas; from 12 to 14, 3 guineas; instrumental music, £1 15s. per term; and you have three terms in the year?—Yes.

2942. The Kindergarten: age, 4 to 8, one child, 1½ guineas; two children, 2½ guineas; three children, 3½ guineas; instrumental music, £1 15s. The special states you have made arrangements for playing boarders with ladies in the neighbourhood. How many are boarding in the neighbourhood to attend the school?—All the boarders don't live with boarding house keepers. Some have their own special arrangements. I have fifteen altogether living in Cork for the special object of attending the school course.

2943. Dr. TRAILL.—The rest are all day girls?—Those are day girls too as far as I am concerned.

2944. What are the ages of the girls in the Kinder-

gates School!—They come in at about three, and remain until nine years old.

2945. **Rev. Dr. MOLLOY.**—Do you find that those who come to you so young generally remain until their education is practically finished?—My experience is amply long enough for that, it is only three years.

2946. But so far, have they remained with you?—We have some girls in the higher classes who were pupils in the Kindergarten when it first opened twelve years ago.

2947. **Lord Justice FITZGERSON.**—Is there anything in addition to what you told us in Dublin that you would like to mention now?—You might be interested in the number of pupils, in 1884, when I took charge of the school, there were in the High School, 43; Kindergarten, 53; no advanced class; total, 96. We lost several pupils because the lady who had been teaching in the lower school took some of our pupils with her, that reduced our number; in 1885 we had—High School, 51; Kindergarten, 27; total, 78. 1886—High School, 54; Kindergarten, 10; that was owing to the very bad Kindergarten teacher we had at that time which lost us pupils; total, 64. In 1887 we had 79 High School, 25 Kindergarten, 10 advanced class, making a total of 111.

2948. Then, your numbers this year are the largest you have yet had?—Yes, since my experience.

2949. How are the teachers appointed?—By the Board after selection by myself.

2950. You select the assistants?—I found my first assistant in the school when I came, and she is so efficient, that of course, she remains.

2951. The salaries?—I could not give them to you in Dublin; but this year, with the two extra teachers, the salary list is £675.

2952. That includes your own?—That includes mine.

2953. There is no residence for any of the ladies?—No.

2954. **Dr. THOMAS.**—What is your own salary?—£305.

2955. **Lord Justice FITZGERSON.**—The Archdeacon mentioned that you don't prepare the girls specially for the Intermediate, but some of your girls do go. How many did you send up this year?—In the senior grade, 3; in the middle, 1; in the junior, 3.

2956. Did they all pass?—One failed in the senior and two in the junior. We had two passes in the senior, one in the middle and six in the junior; of course more girls could have gone in, and I may say those were not a fair sample of the girls we prepare, for some of my best prepared girls did not enter.

2957. What was the reason of their not entering? The parents objected.

2958. **Rev. Dr. MOLLOY.**—Do you yourself think it is advantageous for them to enter?—I prefer girls to work with an object.

2959. Such an object as these examinations?—Yes, or something on similar lines.

2960. **Dr. THOMAS.**—You may have some pupils who may not desire exactly to follow the course necessary for the Intermediate examinations?—They are bound to work with the classes.

2960. And your classes are formed according to the grades of the Intermediate examinations?—Yes, they are open that kind.

2961. **Professor DOUGHERTY.**—Do any of your girls go to the Royal University?—Yes, we have a lady B.A. now, she will have her degree confirmed this October.

2962. Did you prepare her for the University examinations?—For the second University since I came, and we have one that was prepared for her Matriculation and has passed her second University.

2963. And they continue to attend the school after passing the Matriculation Examination?—Not always.

2964. Were they prepared by your teachers for the University Examinations?—Yes, in Modern Languages and English; but they attend the Queen's College now, we are in connection with the Science and Art Department, both for drawing and science.

2965. **Rev. Dr. MOLLOY.**—Do you get result fees?—No, very little, because the limits of the department are such that we may not claim fees for pupils whose parents have an income of more than £250 a year.

2966. What advantage then do you derive from your connection?—The opportunity of sending in for examination. I find that girls who go in for that examination enter for the Intermediate.

2967. It is a stimulus for girls to work?—Yes.

2968. **Professor DOUGHERTY.**—Are these girls who have taken a University Degree desirous of becoming teachers?—Yes.

2969. And you think it an advantage to have the Queen's College open to them?—Yes.

2970. **Lord Justice FITZGERSON.**—Is it a rule of South Kensington that the girls' parents must have not more than £250 a year?—That is one of the restrictions.

**Archdeacon Archbold.**—That is a specific rule, I have to sign a document that it is not so.

2971. I find your present Board of Management consists of eight persons. Mr. W. J. Goulding and Mr. Hall are not in it now?

**Mr. Gregg.**—They are out of it altogether.

2972. And their places are filled by Mr. Hill and Mr. Day?—Mr. Day and Mr. Hill were on before Mr. Goulding and Mr. Hall had assigned their interests. It consists actually of six at the present moment. Mr. Goulding's brother was very anxious to be on the Board, and I think he is one of those that would be likely to assist us.

2973. Mr. Hill is an engineer, I see?—He is.

2974. He probably would represent education to some extent?—Yes.

2975. And Mr. Hilgeway also?—Yes.

**Archdeacon Archbold.**—I may say Mr. Day in a very reasonable way represents education; he belongs to a family distinguished always for their love of education. He is a member of the Royal Irish Academy, and an antiquarian; he is a gentleman very highly esteemed for certain peculiar powers he has in that direction. He has been now a second time elected Chairman of the Cork Literary and Scientific Society, and although an amateur he is a distinguished man.

# GLOUNTANE PAROCHIAL SCHOOL.

**Rev. Canon Wilson sworn.**

2976. **Lord Justice FITZGERSON.**—What endowment have you?—Nothing but the ground with house and office.

2977. **Lord Justice NANCE.**—Have you not some rental?—No, all is and must be in the immediate possession of the master according to the lease.

2978. **Lord Justice FITZGERSON.**—You have applied for a scheme?—Yes. The only proposed change was drafted to make it clear that the school need not be under the roof of the original building. It is not conveniently

situated, and is an old and depressing room. The late Mrs. Margaret Newman, feeling this, built out of her own pocket a new schoolroom which is by a mile more central. The old building remains as a master's residence.

2979. The property is at present vested in the minister and churchwardens of Kilsahmrig parish?—Quite so.

2980. You are aware that under the operation of

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Miss Harriet  
A. Martin

Rev. Canon  
Wilson.

Oct. 24, 1887.  
Rev. Canon  
Wills.

the Church Act, the minister and churchwardens have ceased to exist as a corporate body?—I noticed that, and I would suggest that the representative of Dromore House property, being a member of the Church of Ireland, should be connected with the incumbent and the bishop as trustees; which would make us fall in with the terms on which the schoolhouse has been granted by Mr. Newman, the owner of Dromore House.

2981. You have a fee-farm grant of 4 acres 6 perches with a residence—is that the old school?—Yes; the grant was from the Misses Lambard; it is not very good land, some of it is on a steep hill, facing north-west and could not be profitably reclaimed.

2982. How do you propose to utilise these premises if you remove the school?—The house is occupied as a schoolmaster's residence, and is within a mile of the new schoolhouse.

2983. Four acres is a large quantity of land to give with a schoolmaster's residence?—It is chiefly in grass, and he has always had it as part of his perquisites.

2984. What number of children attend the school?—On the roll 30, and our average attendance 24; we have an unusually good attendance. Within the last two years we have put our school under the management of the National Board, and have a better schoolmaster.

2985. Dr. TRAILL.—That is for capitation fees only?—Yes; we are very near the margin for having recognised fees.

2986. Lord Justice FITZGERALD.—How is the master classed?—Third class. He could not, having regard to the numbers, take a higher class. He has £40 local endowment, and has a capitation grant.

2987. You have no money endowment?—Not connected with Glenties, but we have connected with this new schoolhouse, for the late Mrs. Newman has given us £32 a year. The proposed scheme will enable us to combine the two. She erected this new schoolhouse because of the inconvenience of the former site, involving as it did the going through a Hindu village of public houses.

2988. Dr. TRAILL.—You think her schoolhouse would do for the two parishes?—There is but one parish

and she has but put it into a more convenient position in that parish; it was rather to one side of the parish, and the bulk of the children would have to pass the new schoolhouse going to the old one.

2989. Lord Justice FITZGERALD.—To whom is the grant of the new schoolhouse made?—To the incumbent of the parish, and to the proprietor of Dromore House, being a member of the Church of Ireland, and that is the reason I suggested Glenties should be treated likewise.

2990. Dr. TRAILL.—Who is the proprietor of Dromore House?—Mr. Newman.

2991. Was not the grant from the owners of Dromore House?

Mr. Newman.—Yes, it should be to the incumbent of the parish, and to the proprietor of Dromore House.

2992. Lord Justice FITZGERALD.—It is made at present to the Rector of Kilsannig and Mr. J. A. K. Newman and their successors, namely the Rector for the time being of Kilsannig, and the owner or tenant in possession of the Dromore estate, being a member of the Irish Church, for 999 years, at a rent of one penny if demanded, &c. In the case of parochial schools the governing body we have generally formed, include the rector of the parish and one or two vestrymen elected by the Select or General Vestry; we have also got some instances where the owner of the estate is joined. Do you desire to have a governing body of that kind?—I would not have the slightest objection to forming it as you described.

2993. Mr. Newman, what are your views about it? Mr. Newman.—I am quite content, but I said in the deed in case we disagreed the Bishop should settle it.

Canon Wilson.—Mr. Newman's own suggestion, coming up in the train, was on the lines of what you said. It might be preferable to say, as now proposed, some members elected by the Select Vestry.

2994. Lord Justice FITZGERALD.—Is not there any failure on the part of the Select Vestry to elect, I suppose the council of the Diocese should nominate somebody.

Canon Wilson.—I should not have the slightest objection.

#### BAHAN (MALLOW) SCHOOL (COTTER CHARITY SCHOOL).

Rev. Canon Wills sworn.

Rev. Canon  
Wills.

2995. Lord Justice FITZGERALD.—Are you the rector of the parish in which the BAHAN schools are situated?—Yes.

2996. You appear to have considerable endowments?—About £70 a year now, it was originally about £150.

2997. The first endowment referred to in the last report is derived from Henry Johnson Cotter, who made a will in 1833 of 219 acres of land?—Yes. Mr. Cotter in that will left this property for the purpose of promoting scriptural education in the parish of BAHAN, that was acted upon for about thirty years. He appointed the Rev. Geo. Cotter as trustee, with power to appoint other trustees. The Rev. Geo. Cotter accordingly, in 1833, appointed three trustees to carry out the terms of the will, these were the bishop of the diocese for the time being, the rector of the parish for the time being, and the occupant of Rockfeast House, being a member of the Established Church. But the Rev. Geo. Cotter at that time proposed a new scheme with the consent of the trustees, which I believe was approved of by the Court of Chancery, and acted upon since. The majority of the present trustees think that was a misapplication of the funds of the donor.

2998. Dr. TRAILL.—What was the misapplication?—The original bequest was for the purpose of scriptural instruction in the parish of BAHAN. We understood that to signify that it was for Protestant instruction,

the instruction of the Protestants of BAHAN. I think there can be no question that that was his meaning. However the Rev. Geo. Cotter, about thirty years afterwards, conceived the idea of trying to—I don't like to use the term—proselytise; at any rate he conceived this idea, that a portion of that money might go to the Roman Catholic schools of the parish on the condition that they read the Douay version of the New Testament every day in the school. That was his proposition, and it was sanctioned and has been acted upon ever since.

2999. Sanctioned by whom?—It was approved of by the trustees then existing, and sanctioned by, I believe, the Court of Chancery, and it has been acted upon since.

3000. How much goes to them?—We get only £25 out of the whole sum.

3001. Out of how much?—It was originally £150, now it has been reduced to about £70 a year. We only get £25 for a very small school. Our idea is that it was a misapplication of the intention of the donor, and we think it ought to be given to the purpose for which he intended it.

3002. Rev. Dr. MONRO.—Who authorised this application of it?—It was proposed by one of the trustees in 1838.

3003. Who authorised it?—The Court of Chancery, I think. There is a question whether they really did

sansction that, they certainly sanctioned the appointment of the three trustees.

3004. Lord Justice NAISH.—Who are the trustees now?—The bishop of the diocese, the rector of the parish, and the occupant of Rockforest House.

3005. Lord Justice FRYGEMAN.—The report of 1880 mentions the object of the endowment to be for a resident schoolmaster, being a member of the Established Church, to teach children, nominated by the minister or greater, English and arithmetic, and to teach children of the Established Church the Holy Scriptures and Church catechism. Do you know what became of the deed of 21st March, 1821, on the strength of which your school buildings were built for these purposes?—Which school are you referring to?

3006. Rahau parochial school, it is a very confused institution. It would seem from the report of 1880 Mr. Cotter was the acting trustee and distributed the fund?—In conjunction with the bishop and the occupant of Rockforest House.

3007. They are not mentioned at all. What has become of Mr. Cotter?—He is dead, but there are three existing trustees under the will. The will authorized the Rev. Geo. Cotter to appoint three

trustees and he accordingly did so; their successors are now living; the Lord Bishop of the diocese is one, I am another, and the third is Sir James Cotter, the occupant of Rockforest House. Mr. Henry Cotter who gave that money intended it, we maintain, for Protestant education in the parish of Rahau, two-thirds of the money has been given to Roman Catholic schools on condition they read the New Testament, we think that really was not the intention of Mr. Cotter.

3008. You appear to be the trustees yourselves?—This was done by the trustees before us. Have we power to alter it?

3009. I am afraid we cannot give you a legal opinion. Where do you get the money?—From three tenants, the gentleman who collects it is present and he pays the schoolmaster.

3010. Do you apply it for Scriptural education?—Yes, in the case of Rahau School (Protestant), but we object in the case of Knuttery (Roman Catholic), for which the Testate never intended it.

3011. Why do you pay it?—The agent, Mr. Crough, pays both schoolmasters, in accordance with the provisions of the Chancery Scheme.

A. G. Crough, sworn.

3012. Lord Justice FRYGEMAN.—You are the agent for the lands mentioned by Mr. Willis?—Yes, I was asked by Sir James Cotter, on the death of his uncle, as I was managing property adjoining this, if I would look after this, so I said I would. At the time I took it up the rents were £118 6s. 8d.

3013. Dr. TRAILL.—In what year was that?—I think that was in 1879 or 1880, I am not quite sure. Two of the leases of the tenants fell out, and they applied to go into the Land Court, and the rents were reduced accordingly to £95 17s. 2d. Four years ago I considered that the rents were high, and I suggested to the trustees that I should be allowed to give a further temporary allowance of 10 per cent., which reduced the rental to £23 6s. 8d., which is the present amount received by me.

3014. Has it been paid at that rate?—At that rate.

3015. You said you consulted with the trustees, which trustees?—I merely mentioned to Mr. Willis and Sir James Cotter that I thought it would be necessary to give an allowance to the tenants.

3016. For whom do you hold yourself to be acting as agent?—I imagine for the trustees—the Bishop, the rector of the parish, and whoever is owner of Rockforest for the time being.

3017. How is the £23 6s. 8d. applied by you?—There is £1 10s. paid for rent of ground on which the parochial school at Rahau is built. There are two rentcharges—one to the Church Commissioners and one to Mr. Longfield—£19 16s. 1d. The agent's fees £4 3s. 4d., and a bailiff whom I found there and continued was paid £2, that would be £18 6s. 8d., that reduces the available funds to £5, and that £4 I pay to three persons, Michael Fleming, the male teacher of the Knuttery National School, £2; David Bruton, of Ballymagoghy Parochial School, £2; that is the Protestant school; and I also pay £2 to the female teacher at Knuttery.

3018. Is Knuttery school under a Roman Catholic manager?—I think Sir James Cotter is patron.

3019. Lord Justice NAISH.—There appears to have been a Chancery scheme, and there is an extract from it in the Report of 1880, but I don't think it is complete; have you a full copy of the scheme?—I am afraid I haven't it.

3020. Is Knuttery your school?

Crown Wills.—No, that is the school I say ought not to get it.

Lord Justice FRYGEMAN.—It is only receiving under the Chancery scheme what you deem fit to give it.

Crown Wills.—You think the trustees need not give it.

Lord Justice FRYGEMAN.—I cannot give you an opinion on that.

3021. Lord Justice NAISH.—As a matter of fact how much is paid to Knuttery?

Mr. Crough.—£26 and £2, Knuttery and Garinellig are the same.

3022. Lord Justice NAISH.—Then £28 is to be paid for books for the Cotter Charity School, is that Rahau?

Crown Wills.—No, it is Knuttery, it should be called the Cotter Charity School; that scheme is not acted upon for it ought not to be a National school but called the Cotter Charity School, and also there should be daily Scriptural teaching.

Lord Justice FRYGEMAN.—We can do nothing whatever with this matter without seeing a full copy of the Chancery scheme. If you can find a copy send it to us.

3023. Rev. Dr. MONAGHAN.—How much do you give at present to the master and mistress of the Knuttery School?

Crown Wills.—£26 and £2.

3024. How much do you give to the Lavalley National School?—Nothing.

3025. This is given in accordance with the provisions of the Chancery scheme?—As far as we can judge it is.

Mr. Crough.—I have been acting under a Chancery scheme.

3026. Rev. Dr. MONAGHAN.—And acting under that you have given this sum each year?

Mr. Crough.—Yes.

3027. Dr. TRAILL.—But that scheme gave the trustees power to say how much should be given?—Yes.

3028. Rev. Dr. MONAGHAN.—When did the sum cease to be given to Lavalley?—It ceased from the date of my appointment.

E. Flynn.—I have only just come in. I am the teacher of Lavalley. In July, 1880, I ceased to get it.

Mr. Crough.—He applied to me for his usual stipend which he said Mr. Cotter gave him.

Rev. Dr. MONAGHAN.—It appears from the last report that the head teacher received £8 per annum from the

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Wills.

Mr. A.  
Crough.

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Mr. A. G.  
Crough.

endowment, in addition to £35 salary, and rent fees amounting to £32.

3029. Lord Justice Fitzgerald.—Laval School was reported in 1880, rightly or wrongly, to be getting £8 for its head master, and £4 for its assistant teacher, and the head master says that since 1880 he has got nothing. I have looked over the papers, and it appears "that out of Government Stock the trustees were directed to apply such sum, not exceeding £200 sterling, as to them should seem necessary for the building and furnishing a suitable school-house upon the townland of Kentry, containing suitable apartments for a male and female school, and for the schoolmaster and schoolmistress thereon. The new schoolhouse when built to be called the Cotter Charity School." Is that the Kentry School to which you pay £36 and £24?—Yes.

3030. There appears to be a provision that, out of the rents and profits of the lands bequeathed by the will, the trustees should apply such sum as to them should seem fit, not exceeding £45 a year, in payment of the salaries of the master and the mistress in the Kentry School aforesaid, and such sum as to them should seem fit, not exceeding £5 a year, for books, stationery, and other school requisites for the said Cotter Charity School; and also such sum as should be necessary for keeping said school in good repair, and that the said trustees should apply the residue of said rents and profits yearly, and every year, in aid of the salary of the master and mistress of the male and female school. Until we have the whole scheme we cannot tell what that male and female school is. It goes on "in each of the schools in aid of which the trust funds should be applied all children attending should receive daily a Scriptural education. That the trustees for this time being, on a majority of them, shall have power to make such rules and orders for the internal management of the said Cotter Charity Schools as to them shall seem fit, provided that the same are consistent with the rules as to Scriptural education aforesaid." We must see the whole scheme, but as far as we can see the thing is in the hands of the trustees.

3031. Rev. Dr. Molloy.—One of the trustees as present is Sir James Cotter?

Mr. Crough.—Yes.

3032. He is the representative of the person who left the endowment?—He is.

3033. This expenditure of the endowment has been entirely with his consent?—Quite so.

3034. Lord Justice Fitzgerald.—And with the consent of the other trustees?—When I took up the management, this teacher applied to me and told me Mr. Cotter always paid him £8, and I told him that I was quite sure he did, but that I had no funds. I showed him that the year previously Mr. Cotter must have paid the money out of his own pocket, because he could not by any possibility have got it out of this place. I spoke to Sir James Cotter about it, and he told me that he found on looking over his late uncle's papers, that he was in the habit of spending £40 a year on these schools over and above what he received out of the property, and since I have had the management of it, it has been considerably reduced.

3035. Would that £40 suffice to make up the sum stated in the Report of 1880 to have been paid to the Kentry School and these other two schools?—I should say it would, fully.

3036. Dr. Tamm.—On which of the three schools has the reduction fallen, have you reduced it equally on all?—I am giving the same amount as usual to the Kentry School, but I reduced the other one—the Ballymagool School.

3037. From what?—He was getting £5 a year more.

3038. From £35 to £30?—Yes. I told him I had not it to give him, and furthermore, I have nothing for repairs and nothing for school requisites.

3039. On whose authority did you reduce it on one and not on the other?—I did it on my own authority, I told the man I didn't it.

3040. But you had it if you distributed it equally?—I thought he was getting enough.

3041. Have you got the exact proportions that used to be paid to those three when the rental was £118 6s. 3d.?—I could not say.

E. Flynn.—I beg your pardon, you did not show me anything, and you only told me by word of mouth, and I had to believe your own words. I went to Sir James Cotter, and he did not know anything about the matter; and Mr. Crough, might I ask you, who gave you the management of the estate after the late Mr. Cotter being dead?

Mr. Crough.—Sir James Cotter.

E. Flynn.—I have it from the people about that it was taken by him without any authority whatever.

3042. Lord Justice Fitzgerald (to Mr. Crough).—Kindly look among your papers for a copy of the Chancery scheme, and a copy of the will of 11th June, 1813, under which the thing was funded.

E. Flynn.—I have a copy of the will (produces).

3043. Canon Wills.—Has this Commission the power of carrying out the original intentions of the donor?

Lord Justice Fitzgerald.—That is what we are constituted for, especially when we find trustees are not doing it for themselves.

Canon Wills.—We think that it is misapplied at present.

3044. Lord Justice Fitzgerald.—Why do you misapply it?

Canon Wills.—If you give us authority we will not do so any longer.

3045. Lord Justice Fitzgerald.—We can only settle a scheme for the future management of the property, and until we do so you have only to apply it in accordance with the scheme.

Canon Wills.—The parochial school at Rahon is a very small school, there are not more Protestants attending the school than half-a-dozen, and our idea was that this Commission could secure the whole of this money for the parish, and as the parish of Rahon has been since added to the Union of Malware, it should be considered whether the spirit of the will would not be carried out if the money was spent upon the Protestant schools in the Union of which Rahon is a part.

E. Flynn.—It was left simply for no denomination.

#### Edmund Flynn sworn.

3046. Lord Justice Fitzgerald.—How long have you been master of your present school?—Since August, 1873.

3047. What is the proper name of the school?—Rahon National School, it is built in the townland of Laval.

3048. Who is the manager?—Rev. Dr. Wignoon, the parish priest. The present Bishop of Cloyne was assessor when this money was given. Dean O'Regan

of Miltelstown was afterwards manager, and Dr. Wignoon is the manager at present.

3049. Dean O'Regan was the manager in 1880?—Yes.

3050. What money did you get from the Cotter fund?—I got £8 a year.

3051. How long have you been receiving this sum?—I got it from when I came there in August, 1873, up to the late trustee's death.

Mr. Edmund  
Flynn.

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Mr. Russell  
Fryer.

3057. Lord Justice NATHL.—Who paid you?—For a part of the time the Bishop of Cloyne gave it to me, the money was handed by the late Rev. George Cotter to him, and from him to me, on condition of my carrying to him a receipt.

3058. Dr. TRAILL.—The Protestant Bishop of Cork?—No, the present Roman Catholic Bishop of Cloyne, Dr. McCarthy. Here is one of the receipts. "Received from Rev. George E. Cotter the sum of £3 for superintending the reading of the Domesday Testament in the Rahon National School for three months ending 30th June, 1880. Signed, Edmund Flynn."

3059. Lord Justice FitzGibbon.—Then you understood the money was given to you for Scriptural education?—Certainly.

3060. Dr. TRAILL.—Do you teach Scripture still?—I did until Mr. O'neill quitted our parish.

3061. Did you stop altogether then?—No, but not so regularly, I am teaching it again.

3062. Lord Justice FitzGibbon.—How is your school maintained since?—Only by the school fees of the children, and a salary from the National Board.

3063. Dr. TRAILL.—What salary?—£44 a year.

3064. To what class do you belong?—Roman.

3065. Dr. MOLLOY.—Did you get £4 for an assistant?—Yes, £8 for myself and £4 for an assistant.

3066. On what plea did your assistant get the £4?

—The same. There was a correspondence between the Rev. George Cotter and the present Bishop. The present Bishop in order to comply with the will bought the testaments by money that was given to him by the late Rev. George Cotter. The testaments were sent by the present Bishop to our school.

3067. Lord Justice FitzGibbon.—About what date?—1873.

3068. Where did you get this copy of the will?—From Mr. O'neill's clerk.

3069. How is the passage in the will, "The bond for £500 of James, which I have, and which was left to me by my late dear brother, George Bourne, together with Gurnacree, left to me by my late dear father, I leave and bequeath to my brother, the Rev. George E. Cotter, in trust for the purpose of promoting Scriptural education in the parish of Rahon, and I desire that trustees may be appointed by him to carry such my wishes into effect, as he is himself mortgaged, so that my wishes may be fulfilled in this respect for ever."

3070. Rev. Dr. MOLLOY.—Does Sir James Cotter ever visit your school?—No, but the late Rev. George Cotter visited the school, also the Rev. Mr. Gifford while he was rector.

3071. Was he satisfied that the intentions of the will were carried out in the school?—Exactly, that was the correspondence that passed between the Bishop and himself.

3072. Dr. TRAILL.—Was he the clergyman of the parish?—No.

3073. Did he examine in Scripture himself?—No, that is against the rules of the National Board; he was residing in the parish, but he was clergyman of Meenaminia.

3074. Lord Justice FitzGibbon.—Did you know the Rev. George E. Cotter, the gentleman mentioned in this will?—I did perfectly well; I often had conversations with him.

3075. He must have been a very old man when he died?—He was about eighty; he died in July, 1880, and since then I never got a halfpenny; fortunately I got the quarter's salary the day before he fell sick. We have at present a number of Domesday Testaments in the school. I have the bigger school of the three, there are 103 on the roll, and Mr. O'neill might make an equal division or an equal reduction, but ought not to stop it totally from my school and not from the others.

3076. Dr. TRAILL.—Is Nuttery getting more now than it did before?

Mr. O'neill.—It was getting something more at one time.

3077. Lord Justice FitzGibbon.—In 1880 it was only getting £20 a year from the endowment towards the master, and £8 a year to the female teacher, and something for repairs.

3078. Dr. TRAILL.—Then it has lost nothing except £3 for repairs?

Mr. O'neill.—I got back £7 for income tax about two years ago, and that I spent on Nuttery School; it was in very bad order, and would have required even more than that if I had the money. For the second year that I had it I paid the teachers myself for I could not get any rents at all, and for a whole year I paid out of my own pocket both Nuttery and Rahon. I advanced the money.

3079. Dr. TRAILL.—Did you repay yourself afterwards out of the school?—Certainly, I did.

3080. Dr. MOLLOY.—The Rev. George E. Cotter was a brother of the testator?

CORONER WILKS.—He was.

3081. And he was also his executor?—Yes.

3082. And it was under his direction and supervision that this fund was divided between the different schools of the parish?—Yes, thirty years after the death of the testator.

3083. He had the last opportunity of understanding what his brother meant by "Scriptural education in the parish of Rahon"?—He had, but he had his own peculiar hobby.

3084. And he provided for Scriptural education in the parish, according to his ideas, by dividing the fund between the different denominations which give Scriptural education in the parish?—Which gave it in that way. We object to it; we think it is not carrying out the wishes of the donor, we maintain he meant Protestant education.

Mr. Fryer.—The word is not in the will.

CORONER WILKS.—Perhaps the Commission would decide the question of what is the meaning of the expression.

3085. Dr. TRAILL.—How many years elapsed between Mr. Cotter's death, and the time his brother made the change?

CORONER WILKS.—Thirty years, he died in 1833, and the Scheme in Chancery was 1838, the original intention was carried out for thirty years, and then the Rev. George Cotter conceived this idea of converting Roman Catholics to this way.

3086. Had he to get a Chancery Scheme to enable him to do that?—So it seems. Our school was not built when the Chancery scheme was drawn.

3087. Was the change made immediately after the Chancery Scheme?—Yes.

3088. Were there any trustees associated with him in that Chancery Scheme?—There were.

3089. Were they associated in the change?—I suppose they were.

3090. Who were they?—The late Bishop and the Rector, the Rev. Mr. Boldwin.

3091. Lord Justice FitzGibbon.—Was not the rector of the parish a trustee of these funds from the time of the settlement of the Chancery Scheme?—Certainly.

3092. Had he the same views as Mr. Cotter?—But he is dead also, and since then the parish has been added to the parish of which I am rector.

3093. During the time Mr. Cotter and the rector were trustees did they both concur in this method of disposing of the money?—I think they did, and the bishop too, I don't say that they did not.

3094. Dr. TRAILL.—You don't know of your own knowledge whether they did or not?—I don't know, I suppose they did.

3095. Rev. Dr. MOLLOY.—The present Sir James Cotter has offered no opposition?—He has not. He told me he would not wish the money to be taken from Rahon Parish.

3096. On the contrary he is quite satisfied?—He is satisfied to leave things as they are, I fancy.

Oct. 16, 1892.  
Mr. Edmund  
Flynn.

3092. Dr. TRAVERS.—What are the views of the present Bishop?—He quite agrees with me that the original intention is not carried out.

3093. And you think that the original intention is interpreted by the acts of thirty years?—Yes, the first thirty years show his death.

3094. Lord Justice FRYNGROVE.—We know the facts about the matter, and we must get a copy of the Scheme, we now have a copy of the will. We would be very glad when you send the Scheme to have your views put forward; speaking for myself, I think it would be hard to withdraw a provision that has been so long made, or least while there are any vested interests, but probably it will turn out that the whole matter is in the discretion of the trustees.

Archdeacon JELF.—There are two distinct propositions that they make, one with regard to the endowment and the other with regard to the working

of the school, they wish to move the school into Mallow, whether they get the whole endowment or not.

3095. Lord Justice FRYNGROVE.—It is plain the first thing to be done is for the three trustees to meet on the matter.

Mr. Flynn.—It is not mentioned for any particular denomination.

3096. Lord Justice FRYNGROVE.—So we understand, and apparently under the will it is with the intention of giving Scriptural education to all denominations, but what we have to look to is to see the authority on which that was done. If it was only done by the discretion of the trustees we cannot prevent them exercising the discretion as they think proper, but I am afraid in any respect of it. Locally it is excluded, for there is no money now available for it unless it is taken away from the other schools.

### \*CROFTON ENDOWED SCHOOL, MACROOM

Rev. Denis O'Sullivan sworn.

Rev. Denis  
O'Sullivan.

3097. Lord Justice FRYNGROVE.—Are you Rector of Macroom?—Yes.

3098. Your school is known as the Crofton Endowed School, Macroom?—Yes.

3099. Under a will of 1825, you are stated to have £10 Irish, and two acres of land?—Yes.

3100. What is the £10 Irish charged on?—On the Crofton estate in the parish of Clonsilla.

3101. Are these lands capable in value to secure it?—Yes.

3102. Is it regularly paid?—Yes.

3103. It is for the maintenance of the school and furnishing each child who attends with a bible?—Yes.

3104. What is the present state of the school?—It is very low, and for that reason I would ask the Commissioners to transfer it as has been done, under similar circumstances with a school also founded by Mrs. Crofton in the county Wicklow, that was transferred from Inchagappa to Ashford.

3105. Where do you say it ought to be transferred to?—The town of Macroom.

3106. What distance is it from Macroom now?—About three and a half miles.

3107. Is there any parochial school in Macroom itself?—There is.

3108. Under your management?—Yes, and I would like to make the two because the number of children is reduced to seven, and I am not satisfied with the efficiency of the school in any way. In the interest even of the seven I would wish it removed to Macroom.

3109. Lord Justice FRYNGROVE.—How could these seven children get into Macroom?—They would be quite as convenient to Macroom as to the school, when I am sure to be in the future residence in parish.

3110. What school have you in Macroom to attach to it?—We have a very suitable school-house and school.

3111. How many children have you in it?—About twelve.

3112. Lord Justice FRYNGROVE.—Then you would have about thirteen or twenty between the two?—If we had the two schools united with the two salaries we would have fully thirty children.

3113. Dr. TRAVERS.—What salary do you pay your teacher in the Macroom School?—£36 a year, there is no endowment, it comes from contributions and subscriptions.

3114. Could you get the attendance up to thirty-five to get a National Board grant?—I don't know

that this school could be placed under the National Board unless the Commissioners had the power to give us thirty.

3115. We can give you permission?—Then I would like it.

3116. Lord Justice FRYNGROVE.—How is the school at Macroom held?—It is a parochial school. We had been recently in connection with the Erasmus Smith Board, and through want of funds they gave notice they could not pay us any more.

3117. How is your school-house built?—On church land. Under the Church Act, it went to the Church Body. I beg to hand in a statement.

3118. Lord Justice FRYNGROVE.—Was it under an Order of the Court of Chancery the school was changed from Inchagappa to Ashford?—I presume so. A great number of children would come in if we had a suitable master because several go at present from Macroom to Cork to school, and if we had an efficient school there I am quite certain the number of children attending it would increase.

3119. Who receives the £10 a year now?—I receive it.

3120. From whom?—The trustees of the Crofton Estate—through the Receiver under the Court.

3121. Do you know in whom the legal right to receive the money is vested?—Manager or Donations Commissioners.

3122. Lord Justice FRYNGROVE.—Do you get any money from the Commissioners of Donations and Bequests?—That was all spent by lawyers in a dispute about it, I think in 1861 or 1865.

3123. The statement in the report of 1890 that arrears amounting to £208 stock were recovered in 1890, part of it was spent in rebuilding the school-house and the balance invested in £325 Government Stock producing an annuity of £9 10s. a year payable to the rector by the Commissioners of Charitable Donations and Bequests?—I never get a penny of it and never heard of it until now. Mr. McDonald, the secretary, told me all the money they had was spent in a law suit.

3124. I think this passage may account for it. Complaints having been made to the Board that owing to the circumstances of the locality and the conditions imposed by the will with respect to the gift of a bible the grant had become practically useless, the Board sanctioned an application to the Court of Chancery.

You never got any money since?—No.  
The Inquiry was adjourned to Monday.

\* Appendix B, No. XII. (9), p. 860.

† Appendix B, No. XII. (9), p. 469.

## PUBLIC SITTINGS—MONDAY, OCTOBER 17TH, 1887.

Oct. 17, 1887.

At the Courthouse, Cork.

Present:—The Right Hon. Lord Justice FITZGERSON, and the Right Hon. Lord Justice NAISH, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., B.D., ANTHONY TRALL, Esq., LL.D., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, JURE, was in attendance.

## ST. FINN BARR'S SEMINARY.

Rev. Dr. O'Mahony sworn.

3125. Lord Justice NAISH.—How long have you been President of St. Finn Barr's Seminary?—About one year. I was appointed last November.

3126. How long has the seminary been established?—It has been in the hands of the Bishop and the secular clergy for the last eleven years.

3127. Where is it?—The seminary building is on the Wellington-road.

3128. What property is there belonging to the seminary?—None whatever.

3129. You have buildings and land?—There is no land attached to the building, but there was money bequeathed to build it.

3130. I suppose all the persons engaged in the management are Catholics?—Yes, they are all Catholics.

3131. And the boys?—They are all Catholics.

3132. Is there any connection between St. Finn Barr's Seminary and the new building on the north side of the city?—No, they are for different purposes altogether.

3133. The other is a diocesan seminary?—It is a diocesan seminary for the education of pupils intended for the priesthood, while St. Finn Barr's is simply a classical school for the education of Roman Catholic boys, under the patronage of the Bishop, and promoted over by diocesan clergy.

3134. Dr. TRALL.—That is your school?—Yes. That is the institution on your list.

3135. Lord Justice FITZGERSON.—How do you hold the house?—The house is built on a piece of fee-simple property purchased by the late bishop.

3136. And conveyed to him?—Yes.

3137. Has it been conveyed to trustees, or is it now vested in the bishop?—It is vested with the present bishop.

3138. He is in possession?—Yes.

3139. Lord Justice NAISH.—With the exception of this house there is no other property belonging to the seminary?—None whatever.

3140. How many boys have you in the establishment?—At present I have 120, but the average is about 160.

3141. Are they all day boys?—They are, with the

exception of seven or eight who reside in the Diocesan Seminary and come to St. Finn Barr's Seminary in the morning and go back in the evening.

3142. What is the course of education?—A good intermediate course, and university up to the first arts.

3143. Do you send boys to compete at the Intermediate Examinations?—Yes.

3144. What fees do the boys pay?—They vary according to the class. Junior boys pay at the rate of £1 a quarter, second class boys at the rate of six guineas a year, and senior boys at the rate of eight guineas a year.

3145. How much do the fees come to in the year?—About £300 in the year.

3146. What result fees do you get from the Intermediate Board?—About £50 is the average, sometimes more sometimes less—in recent years not more than £50.

3147. There is no doubt that you are exempt from our jurisdiction, and it will be our duty so to declare. If there is any purpose which you think you could accomplish by means of this Commission, either by incorporating a body or otherwise, we will, if you wish, not in that direction?—I have not been authorized by the Bishop to suggest anything, and I think there is nothing that I could suggest.

3148. Dr. TRALL.—But suppose the property happened to be vested in the legal representative of the late bishop, would it not be better to have some properly constituted body who could in future deal with the property?—I don't know.

3149. Would that question not be worth while inquiring into. Your present bishop may think he holds it, but it may be legally vested in the representative of the late bishop?—I don't know. All I am at present in a position to state is that I have no suggestion to make.

3150. Lord Justice NAISH.—Is Dr. O'Callaghan now from Cork as president?—He is in Dublin.

3151. Lord Justice FITZGERSON.—I understand that under the late Bishop's will the property is now vested in the present Bishop?—Yes. I didn't know that before.

## CORK DIOCESAN ENDOWMENTS.

The Right Rev. Dr. Gregg, Lord Bishop of Cork.

3152. Lord Justice FITZGERSON.—(To the Right Rev. Dr. Gregg, Lord Bishop of Cork.)—I may mention to your lordship that we have asked the clergy of the city parishes to send in a list of their educational endowments, with a statement of any special trusts on which they wish those to rest in the proposed governing body, and also that as regards the Elm Coast School, we are extremely anxious that the trustees of that school should send in the written consent necessary to enable us to extend the usefulness of that endowment.

3153. The Lord Bishop of Cork.—I should like to explain, in reference to some remarks that fell from Dr. Webster, if you look at the printed paper which we handed in, our idea was that the Diocesan Trustees should be incorporated to hold school property throughout the whole diocese including the city.

3154. How do you propose that these trustees should be themselves appointed?—They are elected by the Diocesan Synod from time to time. The Bishop is one.

3155. It would be necessary to set out in any

Right Rev. Dr. Gregg.

Oct. 27, 1881.  
Right Rev. Dr.  
Glegg.

scheme the provisions for their succession. We could not merely declare that the Diocesan Trustees should be incorporated.—That is the reason that we have not called them Diocesan Trustees, though the five gentlemen named are the Diocesan Trustees, and are elected.

3156. It makes very little difference how the incorporated body is itself constituted, if those who have the management of the endowments have their duties defined.

3157. Dr. TRAHER.—What you want is that the educational body that will look after the working of the system shall not necessarily be the body that shall hold the property.—We think that a small body to hold the property might be incorporated.

3158. Lord Justice FRYGIE.—But if the management is vested in the larger body there would be no object in incorporating a smaller one. You can incorporate 100 just as easily as six.—The idea was that there are also a great many parochial trusts throughout the county which are vested in clergymen and churchwardens, and which I believe are derelict at the present time—at least you expressed a strong opinion about it yourselves.

3159. You allude to the report of 1880. Our opinion was that if the Diocesan Trustees were incorporated they would be a very fitting body, not merely being a city body, but also a county body, to hold such trusts throughout the whole diocese. We could not vest property in trustees without knowing exactly the nature of the trusts. We ought to set out the various properties in the scheme which you want to vest in this Diocesan body. We can give power to the body to accept other property, but to have derelict property vested or conveyed you would still be obliged to go to Chancery unless you vest it by the scheme. Therefore, while this Commission exists, it would be vastly important to get up as much as possible of this derelict property to show that it is educational, and to vest it by the scheme in the body you look for.—We would endeavour to do so if we understood from you that such a body would be incorporated. I know many places in which application would be made to vest this particular property in this body.

3160. Frequently local bodies are jealous of being merged into a large general body, and in such cases we could frame schemes for their independent management. In other cases we have been anxious to create a central school body to hold property upon various trusts. The Roman Catholic Church has a quantity of valuable property legally vested in ecclesiastical persons, whose laity and parsonal representatives may be very hard to find. Your church has a great deal of property generally vested in ministers and churchwardens, or in ministers or other trustees who have ceased to exist. Our course of dealing in both cases would be the same—do form some body representing the denomination whose property is in question to hold that property and administer it according to defined trusts.—That is what we are really anxious to get on behalf of our county and the city, and we are quite satisfied with whatever body the Commissioners think best, but we want to have some body that can take other property and financial trusts.

3161. You have given us extremely good heads for a scheme, and we would ask whatever committee has this in charge to define what they want, and describe what property they have.

3162. Lord Justice NAIRN.—Would you, as regards the endowments you would vest in the central body, give them power to apply them generally, or would you compel them to apply them in the districts in which they are at present applied?—I cannot say that there would be any difference about that. Possibly some might be necessarily applied in the districts in

which they are at present applied, but I think that some of them might with more advantage be applied generally.

3163. I take it that there would be an objection to allowing an endowment to be removed from a district or parish where it has hitherto been applied.—In the case of endowments which are of a mixed character, partly for charitable purposes, such as the clothing and feeding of poor children, and partly for educational purposes, I think we would have to contend against very strong objections to touching the part of the endowment that goes for charitable purposes, but we do not propose to do that.

3164. We would not have the power of interfering with these endowments.—I think the arrangement that we are anxious to make would provide amply for every district.

3165. Dr. TRAHER.—Of course if you found a district under a fair plan, it would be your object to continue that as it is, while if you found in another district the endowments going wrong, you would make a change. You would like to extend your plan over as large a district as possible.—Certainly. Some of the small schools are of a very inferior class.

3166. Some of these schools are probably without titles as to lands attached to the school. There is a doubt whether they are vested in any body or not, and some are vested in private proprietors.—Yes.

3167. Would the body in Cork city for educational purposes not be large enough, considering all the objects it has in view, to incorporate it for that, irrespective of the incorporation of the Diocesan Trustees for the county generally?—It would be a body composed of persons connected with the city, and would not be satisfactory as a body to act for the whole county.

3168. Would it not be better to have separate bodies acting for the county and for the city; would not the educational endowment of the city be large enough to place under a separate body?—That would meet our views.

3169. Rev. Dr. Webster.—Did I understand the Lord Justice Fitzgerald to say that where properties throughout the country are not specifically mentioned, or where trusts are not legally established, the corporate body which you would establish would have to go through the expensive process of Chancery proceedings?

3170. Lord Justice FRYGIE.—Not necessarily; on the contrary, if we could ascertain this educational property, define it, and transfer it by our scheme, nothing more would be required; but if that opportunity is lost, though the incorporated body could afterwards accept any other property, it could be conveyed to them only by some legal trustee or agent, and if it was doubtful it would be necessary to go to Chancery in order to get it vested. In other words you can now do through us, without expense, what, under other circumstances, the Court of Chancery could do for you. Where property is vested in a legal trustee he could convey it to the new corporate body, but still he would have to pay for the deed, and we can do it without expense and without any deed up to the 31st of December, 1888, but we must know what the property and the trusts are.

3171. Rev. Dr. Webster.—I think it is of very great importance to take notice of what you have said, for if we lose this opportunity it might involve enormous expense by-and-by, and a great deal of work that would be avoided if we now specifically identify our property.

3172. Lord Justice FRYGIE.—If you take up the Blue Book of 1860 you will find that there are hundreds of small educational endowments, schools, sites, and even small properties derelict.

## LAPP'S CHARITY.

Oct. 17, 1887.  
Right Rev. Dr.  
Grigg.

3173. (To the Lord Bishop of Cork.)—Perhaps your lordship would give us some information about Lapp's Charity. Since we came to Cork our attention has been called to the fact that in 1858 there was a sum of £31,427 15s. 8d., of which the surplus was applicable to the establishment of schools for girls or boys being Protestants, or the children of Protestants, after the establishment of a charity for the relief of aged and infirm Protestants. Chancery proceedings have been taken since. Can you tell us whether any part of that fund is available for schools?—No, there is no part available. The whole fund was expended on the institution.

3174. How does that happen?—There has never been any surplus.

3175. We find there was a Chancery report dated December 22, 1860. Then a bill seems to have been filed in Chancery in 1876, and £11,000 seems to have been lying idle in Chancery from 1858 to 1876. Do you know what has become of that now?—I did not become personally connected with the charity until 1878, which was after that. The whole fund is now expended under the Commissioners of Charitable Donations and Bequests on the asylum.

3176. How many objects of charity are in the asylum?—I think there are twenty indoor pensioners and some outdoor pensioners.

3177. Dr. TRAILL.—Does that swallow up the entire fund?—That swallows up the entire fund.

3178. Lord Justice FITZGERSON.—Might not some portion of that fund be made available for what you need so much, provision for primary and intermediate

education?—We find the greatest possible need for the charity as it is. This year there was some difficulty in the payment of some of the rents, and we were obliged to limit the number of appointments.

3179. Lord Justice NASSAU.—Who holds the estate, and what is the income?—I think it is about £1,500 a year. Dr. Webster is also a trustee of it.

3180. About how many outdoor objects of charity are on the fund?

Rev. Dr. Webster.—I think there are about twenty.

3181. The Chancery Scheme seems to have calculated on providing schools for children?—It requires us to do it if there was a surplus. We never have had any surplus. We were required by the Court of Chancery during the time that I have been connected with it to put the building in thorough repair. We were also required to build an expensive bridge over the river and that we have been obliged to take out of the charity.

3182. How was the obligation thrown upon the charity of building the bridge?—By the application of the person who gave the lease of the property—the owner of the property.

3183. Lord Justice FITZGERSON.—You will never have a surplus as long as you spend the whole of the money on one of the objects. The founder proposed to provide an asylum for aged and infirm persons, and when the funds are sufficient, schools for natives of Cork, being Protestants or the children of Protestants?—There never was any surplus that could be applied to any purpose outside the charity.

## BRETTBRIDGE'S CHARITY.

T. H. Savage, Solicitor, sworn and examined.

3184. Lord Justice FITZGERSON.—What is the instrument under which this charity is administered?—Under a will which has been since amended by a scheme from the Court of Chancery. I beg to hand in a copy of that scheme. (Document handed in.)

3185. The first thing you have got to do is to pay £s. a week, and give £3 a year for clothes to each of seven old soldiers?—Yes, we have always kept the number up.

3186. What is the income now?—For the past year £205. (Balance sheet handed in.) Part of the income being from land it varies in amount.

3187. Where are the lands?—Near Kintyre.

3188. You have £2,675 3s. 10d. in consols?—Yes.

3189. And the income last year was £216 8s. 8d. 1—Yes, unfortunately the income is falling off very rapidly. In consequence of the land agitation we cannot get money from the tenants.

3190. Then you are to pay £5 apprenticeship fee to the master, and £10 reward for each deserving apprentice?—Yes, that is so up to this year.

3191. How many children do you apprentice?—Forty.

3192. What fee do you give?—If we find that the apprenticeship has been faithfully served by the master and by the apprentice, we give the master £10 and the boy £5; these are rewards. In the case of a girl we give £25 to the mistress and £5 to the apprentice.

3193. Are those all soldiers' children?—There are one or two that are not.

3194. Have you got a sufficient number of applicants from among old soldiers to keep up the number of pensioners to seven?—Always sufficient.

3195. Can you get children bound in Cork for a £5 fee?—We can.

3196. In what trades?—The majority of the boys are getting taught the trades of shoemakers and printers. The girls are principally taught dressmaking.

3197. How often do your governors meet?—According to the Scheme we are bound to meet four times a year.

3198. How many Governors have you?—Five trustees and seven administrators.

3199. How are they appointed?—All by the Court of Chancery.

3200. Have you to go to the Court of Chancery every time you want a new trustee appointed?—Yes, we have. We get the appointment made on summons.

3201. And what does it cost?—About a £10 note.

3202. Dr. TRAILL.—Is that a provision in the Chancery Scheme?—Yes.

3203. Lord Justice FITZGERSON.—The next item in the Scheme is £20 for clerk's salary. What has he to do?—His duties are defined under the scheme. I have to keep all the records, to pay the pensioners every week, and so on.

3204. Dr. TRAILL.—Who collects the rents?—I collect the rents also.

3205. Lord Justice FITZGERSON.—For the £20?—I am allowed a commission on that. That is also provided for in the Scheme.

3206. Do the Mayor and other ex-officio trustees take part in the administration of the charity?—They are nominators. There are five trustees and seven nominators, and they are quite distinct. Their proceedings are kept separate. The trustees are bound to meet four times a year and the nominators twice a year.

3207. Do the Mayor and Recorder take part in the nomination, it being a Protestant charity?—The Mayor does not.

3208. Do they nominate?—No.

3209. Dr. TRAILL.—What amount of income do you collect?—About £140.

3210. Professor DETONNERY.—What is the total amount of your salary in connection with the adminis-

T. H. Savage,  
1887.

Q. W. 17, 1887.  
T. H. Jermyn,  
(S).

tion of the charity, including everything?—About £30 a year. Owing to the land agitation it has been reduced latterly.

3211. You don't charge poundage when you don't collect rent?—I charge nothing except on what I receive.

3212. Lord Justice FRANKLIN.—Are your tenants tenants from year to year?—They are leaseholders.

3213. What quantity of land have you got?—About 400 acres.

3214. Out of 400 acres of land near Kesh, you only got £140?—That is all, and they hold it very nearly at the valuation. We have offered 33½ per cent. reduction, and done all we can to try and get the rents, and we cannot get them.

3215. Are your tenants in occupation or have they got under-tenants?—They are occupiers.

3216. Dr. TRAILL.—When did they cease to pay?—Within the last two years.

3217. Do they ask for an abatement?—They have been met liberally by the trustees.

3218. Lord Justice FRANKLIN.—Provision for apprenticeship may be dealt with as educational endowments and are within the powers of the Commission, and you appear to have a not very satisfactory Governing body. You have ex-officio trustees who do not attend, it being a Protestant charity, and you have to go to Chancery and pay £10 every three years to appoint a new trustee. We cannot help that. But you could help it now by getting a scheme.

3218A. Venerable Member Archdeacon, Archdeacon of Cork.—I may be permitted to make an observation. I live in the parish from whence a great number of these apprentices go, because it is the parish in which the military barracks are situated, and where the military people reside; and from my experience of this apprenticeship system I would say that if the trustees can see their way to apply the endowment to the education of the poor in some other direction, for technical education or otherwise, it would be a great benefit to the class of children who are apprenticed out of doors—especially as regards the girls. I know as a matter of fact that girls go to be apprentices simply in many cases that the fee may be obtained without any very large amount of beneficial instruction being given. All the higher class of drummers do not take these apprentices, and they are apprenticed to a lower class. The number of drummers is far in excess of the demand, and is likely to continue so.

3219. Rev. Dr. Webster.—I entirely confirm what the Archdeacon has said, and I look upon Bertridg's Charity as not at all fulfilling the purposes that the founder intended. I found in my parish that if a fellow had been a militiaman or anything in that way he could call himself a soldier, he not only obtained the benefit of this charity, but I find that he actually sells it long before the governors can give the money—he will sell his sevenpenny interest in this fee and he will take his boy away from school and nominally bind him to the shoemaking business for a few months, wanting to get the money. That injures the future of the boy, who gets no trade at all, and he is in the end absolutely ruined by the Bertridg Charity, not that I blame the trustees.

Mr. Jermyn.—The trustees do all they can to avoid anything of that kind.

3220. The Archdeacon of Cork.—I have known instances in no less than two cases of girls being bound three and four times to the one person, and without having attended to learn their trade for a single day. My attention was called to it when a drummer applied for the fee for fulfilling her trust, and I found she had laid her hands on the reward before I could intervene. I have no doubt this has gone on in other cases.

Mr. Jermyn.—The mode that the trustees have adopted is to get certificates from parties who have themselves seen them serving their time.

3221. Lord Justice FRANKLIN.—Written certificates?—No, they are printed.

3222. Do the trustees themselves see whether the apprentices are learning their trades or not?—No, I cannot say. Certainly they have sent parties for the last two or three years, and they believe they have served them faithfully.

3223. Professor DOUGHERTY.—Who are the persons who give these certificates?—They are all very respectable people—all honest people.

Rev. Dr. Webster.—I never signed one.

3224. Professor DOUGHERTY (to Mr. Jermyn).—Do the trustees ever bring the apprentices before them to see what they have learned?—We get the apprentice and the master up before the trustees and ascertain from them that the apprenticeship has been faithfully served.

3225. Dr. TRAILL.—Do you ever find that after leaving your charge they follow those trades?—We don't follow that up.

3226. You don't take any interest in them after they leave you?—We don't follow that matter up.

3227. Professor DOUGHERTY.—Who gets these certificates signed?—We give them to the master.

3228. Lord Justice FRANKLIN.—You give the form to the master and he brings it back signed?—Yes, but we must be satisfied of the integrity of the person signing it. It is to the effect that the person certifying has called to where the apprenticeship is being served and has seen the apprentice serving his time. The master is given the form to get filled up, and we must be satisfied that the person giving it is satisfied of the truth of its contents.

3229. That he has seen the apprentice at his trade?—Yes.

3230. During the period of his visit?—Yes.

3231. Lord Justice MAINT.—Are your pensioners inmates of Skiddy's almshouses?—We have nothing to do with those.

3232. Are your pensioners in the same building?—On the ground floor of a wing of Skiddy's.

3233. How much money is spent on the pensioners in the year?—Five shillings a week, and £5 a year each for clothes.

3234. Dr. TRAILL.—They are all living in the lower part of Skiddy's?—Yes.

3235. Who has to bear the cost of repairing the house?—We do the repairing of our own portion.

3236. Who repairs the roof?—The Skiddy's are responsible for that.

3237. The Skiddy's appears to be the Victoria Company of London as far as one could gather from a stone in the wall. Do you happen to know when they got their funds?—I have nothing at all to say to them. I don't know anything about that.

3238. The number of pensioners is limited to seven?—Yes, and under an old will they get £6 a week.

3239. Professor DOUGHERTY.—How much have you been in the habit of spending annually on apprentice fees?—I think the average would be £50 or £60.

3240. Lord Justice FRANKLIN.—I see that last year you invested £100 in Three Per Cents.—That is surplus money.

3241. Dr. TRAILL.—How did it happen that you had surplus money?—It accumulated over what we required for the year.

3242. Lord Justice FRANKLIN.—Is that because you hadn't a sufficient number of applicants?—Certainly.

3243. Dr. TRAILL.—Did that £50 or £60 include the £10 you pay at the end of the term as a reward fee?—No, they are separate.

3244. The fee is £5 you said when they are being apprenticed, and you said that afterwards, if they faithfully carried out the apprenticeship £10 was given to the master and £5 to the boy?—Yes.

3243. What is the period of apprenticeship for boys?—Six years.

3244. For girls?—Three years.

3245. For every £30 there ought to be added between £10 and £20 a year more on an average if every six years you have to give £10?—Yes, of course, £10 to the master and £5 to the boy.

3246. We found elsewhere that it was impossible

to apprentice either boys or girls for a small fee—do you find difficulty in getting good apprenticeships?—No.

3247. Lord Justice FRYGROVE.—You don't appear to find any difficulty in getting people to take your £10?—The class of parties who come to us are generally of a very humble class.

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T. H. Jermyn.

Venerable *Morgan Archibald*, Archdeacon of Cork, examined.

3250. Lord Justice FRYGROVE.—Can you give us any suggestions as to the application of this money? The Archdeacon.—I am not one of the trustees.

3251. Therefore you are the less prejudiced in your opinion?—The trustees, from their own experience, really have no supervision over these apprenticeships, which are clearly unsatisfactory. Most of the masters and mistresses are not of a high class. Most of the boys are apprenticed either to tailoring or shoemaking. The shoemaking trade is overstocked, and there is no class in which poverty is more prevalent amongst the lower class of Protestants in this city than amongst the shoemakers, who are only half employed. It is a pitiful thing bringing up boys to that kind of employment. The same thing applies to girls. We clergy who know the habits of life of the lower class of girls know that the business of sewing is entirely overstocked. What we want for that class of children is some educational means of raising them so as to fit them, as they are fitted in the Christian Brothers' Schools, for higher places, either as intelligent educated artisans, or in some other way. I would strongly suggest, if it is in the power of the Commissioners, leaving the parsonages as they are, that all this money now applied to apprenticeship fees should be devoted to primary or technical education for the benefit of the children of the class for whom it was intended. If this money was placed in connexion with our general scheme for primary education in this city it would be most desirable.

3252. It is only since we came to Cork that we heard of the Bretridghe Charity and of Lapp's Charity: if the gentlemen interested will look into it we shall be happy to see what we can do. Bretridghe's Charity clearly comes within our act after satisfying the first object as to the seven old parsonages?—My conscience is perfectly free to say that I don't know any charitable foundation that is more ineffective than this. It would be most desirable to have it placed in the hands of trustees for educational purposes.

3253. Dr. TRAILL.—Is it as bad as the Green Cow School?—It is worse. I don't think the trustees are in any way responsible. The respectable people who are asked to sign these certificates

for apprentices will not do so. I may mention one fact, that as I made some difficulty about signing them three or four years ago I have never since been asked to sign one.

Rev. Dr. Webster.—I have not signed one for thirty years.

3254. Lord Justice FRYGROVE.—Were you ever asked to sign one?

Rev. Dr. Webster.—Oh, yes, long ago.

3255. Lord Justice FRYGROVE (to Mr. Jermyn).—You have given us the accounts for 1885 and 1886. We should like to have the two previous accounts.

3256. The Lord Bishop of Cork.—Am I to understand that it would meet the approval of the Commission if our Commission, which is setting in regard to the general scheme, were to apply to the Trustees of Bretridghe's Charity to ask them to get power to turn over these apprenticeship fees to the purposes of primary education in connexion with the proposed Board?

3257. Lord Justice FRYGROVE.—This is not an exempt charity, because the Governing Body are not all of the same denomination. They are under our compulsory powers, and accordingly we will do all we can to make this an efficient charity. There is another matter that strikes me, the word "Protestant" is general, and the charity would appear to be open to Protestants of all denominations. (To Mr. Jermyn).—As a matter of fact what denominations has this charity been open to?—It has been treated as open to all Protestants.

3258. If so the powers of the Commission are unlimited in extending the usefulness of this charity to people who ought to be benefited by it, and we are not bound to keep it for apprenticeship fees. We cannot presume to think ourselves qualified to suggest off hand the best way of dealing with it. We would be glad to get suggestions from the trustees on the subject.

Mr. Jermyn.—I am sure on hearing from your lordships that the trustees will be happy to give you any information.

3259. You will bring the matter before the trustees at their next meeting, and communicate with us?

Mr. Jermyn.—Certainly.

Venerable  
Morgan  
Archibald.

Rev. Canon  
Dore H.  
Fosell.

The Rev. Canon *Dore H. Fosell* examined.

3260. Lord Justice FRYGROVE.—I believe, Canon Fosell, you wish to make a statement in reference to Bretridghe's charity?

Canon Fosell.—I wish to explain that Bretridghe's charity is for two purposes—one for providing a home for soldiers—the other for providing apprentice fees for the children of soldiers. There are no endowments connected with the fund for educational purposes properly so called. We are working under a scheme sent to us about four years ago. I understand that the other Commissioners heard that there are certain objections to the administration of the funds, and I wish to give a very emphatic denial to any statement which intimated that there was looseness in the management of the funds of this charity.

3261. It was not exactly looseness that was alleged.

It was stated that seven old soldiers got their five shillings weekly and their clothes, and that the remaining funds were spent in paying apprenticeship fees, very small in amount, and that the children who got those fees were not really taught trades and got very little value for the money?—That is quite a mistake. We exercise the greatest care, and are really doing an important work with these apprentice fees. We bind boys to all the important trades of the city—plumbers, gasfitters, tailors—and a large number of girls as dressmakers. We never bind to any tradesman unless we have a certificate of a clergyman of the parish as to their suitability, and, indeed, unless we all ourselves know them to be suitable.

3262. Professor DOUGHERTY.—Do you bind apprentices in all the parishes of the city?—The

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 Rev. Canon  
 Davis R.  
 Powell.

children of soldiers who bind through the city no matter in what parish.

3253. Have you at present apprentices bound in the various parishes of the city?—Yes, we have. And when the apprenticeship is served we require to receive the evidence of three independent respectable persons who have been frequently at the place of business, and who can state of their own knowledge that during the term of the apprenticeship they have seen the apprentice at work, and know that the apprenticeship has been faithfully served. It is quite true that we discovered efforts to impose upon us, but we discovered them and we put a stop to them.

3254. Lord Justice Fitzgerald.—How long have you been engaged in the management of this charity?—For about nine years.

3255. It was suggested, and we got evidence from the bishop, from Dr. Webster, and from the Archbishop, in support of that view, that this money would be more usefully applied in education than in these apprenticeship fees, do you concur in that opinion?—I don't think that that is so. Besides I am not aware when an endowment is in no part educational, whether it comes within the scope of your powers or not.

3256. There is a special section of our Act, apparently passed in consequence of the general inability of these apprenticeship fees, enabling us to treat them as educational endowments?—There is no inability about these apprenticeship fees, as far as I can see. There is a strong opinion that they are very fairly worked, and Mr. Jernyns can give you important documentary evidence of what I say.

3257. We see that you invested £100 last year, surplus money, how did that arise?—Our tenants now are not paying us at all. We have great difficulty in knowing what to do. We have made the very largest abatement we could in surmises make, and they are refusing still to pay. A special meeting of the board is to be summoned, and those savings of money are not recent. I believe that is the surplus of years gone by. We have been anxious to get liberty under our scheme to bind children who are not the children of soldiers, but we are not able to admit any other children because our funds are really required for the soldiers' children.

3258. Do you keep a record of the apprenticeship?—A most careful record; Mr. Jernyns will put the documents before you. The books are kept most carefully. The greatest care is exercised in the administration of the charity. We have been obliged to have several old pensioners removed from the institution, because old soldiers are not always temperate, and we have had the greatest difficulty in securing men of respectability as occupants of the institution; we have already removed several objectionable men.

3259. Professor DOCUMENT.—Have you made any provision for a governor to visit the employers or the apprentices from time to time?—It is a rule of the board that that should be done.

3260. But never acted upon?—It is not acted upon except in a case where a difficulty arises.

3261. You require a certificate by three respectable persons that they paid a visit on a certain date to the place of employment of the apprentice, and that on that date they found him working there?—That they had seen him and known him to be at work there, the boy or the girl as the case might be; and if one of these names didn't commend itself to us we should reject the certificate.

3262. I understand your plan is to hand this printed form of certificate to the employer and he brings it back signed?—I beg your pardon, that really is not done.

3263. Then you are not contradicting but contradicting the evidence of your secretary, Mr. Jernyns?—The papers are signed by persons that we believe to be respectable.

3264. Lord Justice Fitzgerald.—Mr. Jernyns said, that he had a printed form, that he gave that form to

the master, and that the master brought it back signed; we had also evidence from the Archbishop that if you are not satisfied with those names you get others; but we had evidence from the Archbishop, Dr. Webster, and others that these children had not really been taught any trade well?—The papers must be given either to the master or to the apprentice.

3265. If you ask me, I would say that giving such certificates to either master or apprentice to get them signed by other people as evidence of a fact which the Governors ought to ascertain for themselves is a most unsatisfactory proceeding.

Mr. Gregg (Crown Solicitor).—In nine cases out of ten those certificates are a perfect humbug. And furthermore there is a great difficulty in getting the children of soldiers—to my certain knowledge on one or two occasions when we tried to get young girls as apprentices they were not the daughters of soldiers. The difficulty is in fact to prevent an accumulation of the funds that ought to be applied. And I agree distinctly with what has been already said, that it would be a great deal better if you had the power to apply this charity to the cases of education.

Canon Powell.—Mr. Gregg is making a general charge, but for the last nine years, during which time I have had experience of these cases, I say that the greatest pains are taken in apprenticing the children, and that we are perfectly satisfied as to the apprenticeship being faithfully served, before we even give the money.

3266. Lord Justice Fitzgerald.—We hear also that the largest sum of money that is ever given is £10; and everywhere else we have been told that it is perfectly useless to give so small a sum as an apprenticeship fee, because as a rule an apprenticeship cannot be got for less than £30, and £20 is the very smallest that we could trace as being of any value. I believe the master gets £10 at the beginning and £5 at the end.

The Archbishop of Cork.—Mr. Jernyns said that the master gets £10 and the apprentice £5.

Canon Powell.—The master gets £5 at the beginning and £10 at the end of the apprenticeship—£15 in all. I have not got the book with me that will tell you distinctly the persons who took our children, but they are all respectable tradesmen of the city. Our apprentices are supposed to be Indian, but that is never carried out now, but the apprentices are quite respectable, and the leading men of the city take them.

3267. Lord Justice Fitzgerald.—We had a case mentioned of a militiaman who sold in advance his right to the apprenticeship fee?—That has not occurred for the last nine years. There is no act bringing up cases that are ancient history. If any one will bring a case of that kind forward new and substantiated it, I shall be happy to meet him.

3268. Professor DOCUMENT.—As a matter of fact everywhere else this system of apprenticeship fees is obsolete?—I am not wanting to express any opinion upon that, I am only saying that our Board has managed its trust fairly.

3269. Lord Justice Fitzgerald.—Does this system of paying small apprenticeship fees prevail for other children generally, or is it only those few who have this fund available who are bound upon such fees?—I suspect the people in all these trades require fees from all apprentices. There is also a certain scale of wages given from year to year according as the apprenticeship is served, and I think our children get some advantage in that way, but I really cannot speak with authority on the subject.

3270. Is that the only advantage they get?—These children might not be taken without that advantage if they hadn't the Board at their back, being the children of soldiers.

3271. The Archbishop of Cork.—I wish to say that since Canon Powell has been Rector of St. Mary Shandon and connected with this fund, there has been a great

change as regards the just administration of this fund, and some of the abuses referred to were before his time, but it entirely depends on gentlemen like Canon Powell continuing in that position, and there is nothing to control that kind of thing that has been referred to occurring hereafter. I think that Canon Powell must agree with me that to apprentice those girls to become dressmakers in a market glutted with that kind of work—instead of giving them an opportunity of getting a better education to fit them for the duties of life—perhaps in a more remunerative and better way, where we have this opportunity now of having the fund allocated in that way would be a mistake. It would be a great pity to continue on with these apprenticeships when we could apply that money for technical education and in other ways more useful for educational purposes than the way the fund is now applied.

Canon Powell.—I am quite aware that the advantages of the fund are very small, particularly as the Archbishop has said, in making girls dressmakers, which is really only training them to poverty.

3282. Lord Justice FRYGEMAN.—Would you then be prepared to fall in with the Archbishop's suggestion and to apply those apprenticeship fees in the general scheme—for technical or other education?—Yes. I was not aware that Mr. Jermy was examined, but I wanted to protect myself and the other nominators from the idea that this fund was wasted or unfairly dealt with.

3283. It was chiefly alleged that the fund could be better applied?—It is as useful as that sort of thing can be made. It is well administered—that is all I want to say.

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Rev. Canon  
Powell.

Mr. T. H. Jermyn again attended, and produced the books of the Charity.

3284. Lord Justice FRYGEMAN.—You have fifty-eight names of apprentices entered since 1880?—Since the new scheme.

3285. The terms range from seven to three years?—The girls are three years, the boys range from five to seven.

3286. Would you ask your body to submit their

views as to the best way of dealing with the money?—Yes (Form of certificate handed in.)

3287. Professor DEQUENARY.—Do you give notice to those persons who sign certificates that they are expected to visit the apprentices at their work from time to time?—They are quite aware of that, and they won't be paid without the certificate.

Mr. T. H.  
Jermyn.

#### ROCHELLE GOVERNESSES' SEMINARY.

Lord Justice FRYGEMAN.—In this case a draft scheme has been lodged.

Mr. James Lane sworn.

3288. Lord Justice FRYGEMAN.—You act as solicitor for the trustees of the Rochelle Governesses' Seminary?—Yes, for many years.

3289. You appear with a view to settling a scheme for the future management?—Yes.

3290. It was founded under a deed of April 22, 1841?—Yes.

3291. What is your property?—It consists of an interest in the residence of Rochelle, which is somewhat valuable. It is held under lease for 300 years, and a large sum of money has been expended upon the house as required for the use of the institution.

3292. Dr. TRAILL.—How much?—Nearly £3,000. There is also £1,500 Stock of the Barrow Navigation Company, which was put in trust in 1841, and two further sums, £1,764 3s. 8d., Victoria Inscribed Stock, and £200 India Stock.

3293. Since 1881 what has been the annual produce of the Barrow Navigation Stock?—Very little for some years past—almost nothing.

3294. Lord Justice FRYGEMAN.—Is it worth anything now?—Hardly anything. It cannot be sold.

3295. What is the nominal amount?—£1,300.

3296. What does it produce?—It varies very much, sometimes 1½, sometimes 3½, but never more than 5 per cent.

3297. You mentioned some other investments—when did they come from?—They are the result of an effort to create an endowment for the institution. It was originally hoped and expected that £5,000 would be collected, but it realized only £1,000. And £1,764 3s. 8d. is invested in Victoria Inscribed Stock, and £200 in India Stock, in the names of the Bishop of Cork, the Dean of Cork, and Robert O'Connell Hall, as Trustees.

3298. To what purposes is the income of the securities applied?—Those two sums are applied specially to reduce the ordinary payment for pupils attending the Seminary which has been hitherto £27 for each pupil. It was arranged at the time of this collection that each person who subscribed £200

should have a nomination, and that the nominated child should pay £20 instead of £27. Inasmuch as £1,000 was collected there were five nominated children entitled to the reduced rate. The ordinary pupils pay £27, and these five pay £20. It was merely to encourage donors to give that they have the nomination of children at a reduced rate. The donors nominated the pupils to the Board.

3299. What is the present governing body?—The trustees have almost all died. I think the Rev. John Woodroffe is the only surviving trustee of the original trust.

3300. You desire now to vest the property in a newly constituted body?—Yes.

3301. Dr. TRAILL.—I thought you said that the trustees now were, the Bishop, Dean, and Mr. Hall?—Yes of that particular fund. The Rev. John Woodroffe was the surviving trustee of the old fund.

3302. Do you propose to put both funds into the same hands?—Yes.

3303. Rev. Dr. Webster (to Mr. Lane).—Was not Mr. Woodroffe originally appointed as Rector of St. Nicholas and not as Mr. Woodroffe?—Not as Rector of St. Nicholas. He was appointed as the Rev. John N. Woodroffe, not because he was Rector of St. Nicholas.

3304. Lord Justice FRYGEMAN.—Is the institution in the parish of St. Nicholas?—It is.

3305. What is the qualification of the pupils?—Nothing except that they must be the children of gentry.

3306. You propose that they should be the daughters of clergymen, of members of the military profession, or of other respectable gentlemen whose altered circumstances preclude them from affording education to their children in conformity with the orthodox principles of the Church of Ireland?—Yes.

3307. The Lord Bishop of Cork.—At the time of the endowment from the Barrow Navigation fund,

Mr. James  
Lane.

Oct. 11, 1861.  
 Mr. James  
 Lees.

which was given by the Colvill family in the year 1841, there were five trustees appointed, that is why the number five was taken. Mr. Woodroffe was at that time the predecessor of Dr. Webster as rector of St. Nicholas's, and I would say one reason why he was appointed was because he was rector of St. Nicholas's, but he was personally appointed and he never resigned the trust. It appears that he is the only surviving legal trustee. Dr. Salmon at one time gave a legacy of £500, which was entrusted to him, to the institution. That was expended in adding to the building, and he was therefore made one member. Mr. Colvill, a member of the Colvill family, was also made one member. Those two gentlemen represented the trust, and the Bishop is *ex officio*. My own opinion would be rather that the number should be made seven instead of five, because Dr. Salmon and Mr. Colvill could not be expected to attend, and it would be very hard to have a satisfactory quorum without them.

3308. Lord Justice FRANKLIN.—Would you see any objection to having a representation of contributions to the fund on the Board?

The Bishop of Cork.—I could not see any objection.

3309. In the case of the Belfast Institution they have a franchise of subscription, and, if the subscribers fail to elect, the others may co-opt?

The Bishop of Cork.—I should see no objection to that.

3310. Who really manages the concern?

The Bishop of Cork.—Miss Whately has resided voluntarily, and without any remuneration whatever, in the school for many years, and all the practical working of the school has really devolved upon her.

There has been such general confidence in her that the general constitution is very much also in her hands. That is the actual fact.

3311. But we must provide for the future, and things cannot always go on as they have hitherto done?

The Bishop of Cork.—We put Miss Whately in the scheme before, and we are anxious that a scheme that has worked harmoniously should go on so.

3312. Would you think it advantageous that the Lady Principled should be a member of the Governing Body?

The Bishop of Cork.—I don't think we would. Miss Whately is exceptional, because she is residing here at present, but if the Board had to employ a lady to manage the school I think it would be better that she should not be a member of the Governing Body.

Rev. Dr. Webster.—May I say that although what the Bishop says is strictly correct—that Mr. Woodroffe never resigned the trust—all my predecessors, and I myself as the rector of the parish, up to a certain date, were always summoned as Governors of this institution; but I have never been summoned for the last twenty-five years.

3313. Lord Justice FRANKLIN.—(To Mr. Lees).—Would it be well if the rector of the parish was an *ex officio* Governor, with the Bishop at the head? The two "representative" Governors will not really, when Dr. Salmon and Mr. Colvill drop out, be representative at all, and, except the Bishop, you will have a merely co-opting body, which is not always satisfactory?—Certainly.

#### Rev. George Webster, D.D., examined.

3314. Dr. TRAILL.—How many years were you on the Board, Dr. Webster?

Rev. Dr. Webster.—Five years.

3315. Were you put off the Board?—No.

3316. Is your name on the minute books as a member of the Board?—Certainly, if they are correctly kept.

The Bishop of Cork.—What Dr. Webster says is perfectly correct. His name is recorded in the minute books for some years; but there is no resignation recorded of Mr. Woodroffe who was the previous rector.

Rev. Dr. Webster.—Mr. Dannecombe, my predecessor, who was always summoned, and not only that but he had a very strong conflict with the trustees in 1862, and settled the question, and he got them to consent absolutely and formally to him, as rector of the parish, going in and catechising the children.

3317. Dr. TRAILL.—Do you catechise them now?

—No, I have not been able. I have been ignored for the last twenty-five years.

3318. When did that arrangement cease?—Just this time twenty-five years. I think it is very anomalous to have a church institution in the parish without having the rector associated with it. If there are any *ex officio* Governors surely the rector of the parish ought to be one of them. It was only found out, when I was working there for five years, that Mr. Woodroffe hadn't resigned, and I never heard that Mr. Woodroffe hadn't resigned until quite lately.

3319. I see a provision in the draft scheme for religious education according to the principles of the Church of Ireland. You think the institution should have some connexion with the parish church?—The girls never attend the parish church. They always attend a church in the parish over which I have no control, called the Free Church.

3320. The institution is some distance from St.

Nicholas's church?—Not more than a quarter of an hour's walk.

Mr. Lees.—It is convenient to the Free Church, and the pupils have attended the Free Church ever since the foundation of the institution.

3321. Lord Justice FRANKLIN.—(To the Bishop of Cork).—If we made the governing body even could we not provide for its continuance otherwise than by making it a merely co-opting body?—Would you recognise either the Diocesan Board of Synod or the Diocesan Council, and give them the function?

3322. We have in several instances of Church institutions given representation to the Diocesan Council?—I am sure we would be perfectly satisfied if the Diocesan Council nominated two members.

Miss Whately.—But I think we should have the right of veto.

3323. Dr. TRAILL.—Where do the girls come from?

Miss Whately.—The pupils come from every part of Ireland, north and west.

3324. Mostly I suppose from the county of Cork?—Generally from over Munster.

Rev. Dr. Webster.—They come from Galway and Derry and all over Ireland.

3325. Lord Justice FRANKLIN.—We might make provision for the appointment of two members of the board by subscribers.

Miss Whately.—There are no subscribers.

3326. Lord Justice FRANKLIN.—All the large institutions in the north have been founded on a rule on that system; if there were subscribers they should have a voice in appointing a couple of members, and, as long as there are none, those places might be filled by co-option. The Diocesan Council might appoint a couple, and so get up an external interest in the place. We should like to see some proposal for getting an authorised representative of the parish church on the board.

Mr. Lorne.—Under the original deed the Colvill family had power to nominate, and they have by letter surrendered that right.

Lord Justice Fitzgerald.—We should be glad now to hear Miss Whately on the present condition of the institution.

Oct. 17, 1887.  
Rev. George Webster, D.D.

Miss M. J. E. Whately sworn.

3327. Lord Justice Fitzgerald.—You have been residing for a long time at the Rochelle Seminary?—I have been honorary secretary of the Rochelle Seminary for over forty years, and I have been residing there for over eight.

3328. Does your honorary secretaryship go back to the foundation?—No, I don't know much about the foundation. My first knowledge of it is the deed of 1841, and I was not then honorary secretary. It was established before 1841, but I cannot tell you how long.

3329. How many pupils have you at present?—At present forty-three pupils—thirty-eight resident and five visiting.

3330. What is the course of education?—We prepare them for the Intermediate Examinations, some have matriculated at the Royal University, and one pupil went a point farther.

3331. I believe you have been very successful at the Intermediate Examinations?—Yes, we had several exhibitions, and we have got £10 prizes, books, and medals, and we have been successful with the Synod's Board of Religious Education.

3332. Lord Justice NASH.—Are the young ladies all trained with the object of ultimately becoming governesses?—That is the intention, but they are not compelled to become governesses, though the greater number do. Four of our pupils went directly from being our pupils to being our teachers. Some afterwards occupied very high positions as teachers in other places. One became the second mistress in the Clergy Daughters' School at Bristol, and they were so pleased with her that they made her head mistress—she held that position until her health obliged her to resign. Another pupil as teacher at a school in England got board and residence, and £80 salary. One of our pupils is at this moment the second mistress at the Cork High School.

3333. Then the large majority of your pupils want to qualify to maintain themselves in life by teaching?—Yes, and a great many have been governesses in private families.

3334. How many have you got accommodation for?—Eighty.

3335. What is the largest number that you have had at the same time?—Eighty.

3336. When did the numbers fall?—They have gradually decreased since 1860 or 1861.

3337. To what do you attribute the decrease?—Very much to the circumstances of the country. They were unable to pay the small stipend of £37 a year, and I could not attempt to tell you how many letters I have received inquiring if we could not take them at a smaller sum than £37 a year, and because we could not the idea of sending the girls in question was given up.

3338. We were told you had a fund which enabled you to reduce the fees?—Yes, for five pupils.

3339. How are the five pupils selected?—It is in the hands of the committee, but they never manage the school, and it is left in the hands of the honorary secretaries, and the selection of these five pupils practically to me; the donor of the larger part of that £1,500 voluntarily relinquished that right, and said he would rather it would remain in the hands of the managing committee.

3340. Then the managers of the school can select five pupils to get the reduction?—Yes.

3341. Upon what grounds do you select?—More poverty than proficiency—suitability of mark.

3342. Have you any pupils who pay more than £37?—Not now, we had eight or nine—possibly ten—who paid £42 at different times.

3343. Does the £37 pay the expenses?—If the school was full it would, but it does not pay now with the reduced number.

3344. How do you meet the deficiency?—On one occasion a kind friend helped us by giving us £220 that we were deficient, and ever since by effort and watchfulness we have kept within the amount. I don't think our income this year will, as far as I can calculate, altogether meet our expenditure, but last year we had somewhat of a balance, that balance will now be reduced, but will we shall not be in debt as far as I can calculate.

3345. How do you apply the results fees of the Intermediate Examinations?—That amount, whatever it may be, goes into the general fund. The first year when the fees were large we gave part of the sum to the teachers; but we have not been able to afford that since.

3346. Lord Justice NASH.—Can you tell us exactly what the income of the establishment is?—When we first got the Barrow Navigation Fund it was 4 per cent.—which was £78. It was £78 for a good many years.

3347. Lately it has fallen off very much?—Two or three times we have had no dividend at all.

3348. What did you get last year?—Last February we got at the rate of 1½ per cent; this August we got at the rate of 2½ per cent.

3349. You got during the year £24 or £26?—I suppose so.

3350. What other funds have you?—I don't know that we have any fund except the pupils' payments, and the interest on £1,000.

3351. How is that invested?

The Bishop of Cork—£200 is in Indian Stock, and the remainder in Victoria Inscribed Stock.

3352. Lord Justice NASH.—That brings in between £56 and £57 a year?—Yes.

3353. In addition to the interest on the Barrow Fund and this £60, you have to rely altogether on the payments made by the pupils?—Yes, and the results fees, and then we have an interest in the house.

3354. Do you pay any rent for the house?—We do.

3355. What rent do you pay?—We pay £60 a year, and the stable and coach-house is let off for £10 out of that.

3356. I see it stated in the report for 1880, that you have an assignment of a 500 years' loan subject to £40 yearly rent?—£90 we pay.

3357. What quantity of land have you?—I think the whole of the land is considered to be about 3½ acres, and there are very large buildings upon it.

3358. Is the whole of the ground occupied for the purposes of the school?—Yes; there is a large kitchen garden and a tennis ground. There is no money made except from the coach-house and stable, and a few shillings for hay.

3359. Professor DOCUMENT.—What amount did you earn by results fees last year?—I have not the details with me. It has varied so every year. I think it was a little over £30; in 1886, £42 6s. 4d.

3360. Have you any table showing the success of your students?—I have extracted a few heads. There is this young lady that I have spoken of at the Clergy Daughters' School, at Bristol, and the lady who got £90 a year. There was another young lady who became the Head of Flossie's Asylum, and Miss Huxley, who is in the High School here in Cork. We have had about five exhibitions. Three were retained during the three years, and two or three others didn't go up afterwards.

3361. Lord Justice Fitzgerald.—At what age do

Miss M. J. E. Whately.

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 Miss M. J. E.  
 Wexford.

you take in your pupils?—We can take them at any age from ten to sixteen.

3362. How long can you keep them?—There is no fixed limit.

3363. I see there were seventy-five pupils in the school in 1880?—Yes. We can accommodate eighty.

3364. Have you the numbers for the years successively since then?—There were eighty pupils in 1879, and an average of sixty-three since.

3365. Do your pupils come mostly from the county Cork and from the city?—I could not say readily. They vary from one year to another. A great many come from Dublin. Some from the north; some from the west, but I suppose the bulk come from Cork, and the county of Cork.

3366. What is your teaching staff?—We have at present six resident English teachers. We used to have two foreign teachers, but we prefer to have English teachers trained abroad. The French government has been trained in Paris, the German government has been trained in Germany, and our English Teacher has passed in the highest grade in the Dublin University, and is a first-rate teacher. All our English pupils get honours without an exception in the Intermediate examinations, and the other examinations. We have another lady a most valuable English teacher, and we have an English lady who has matriculated in the University of London. She teaches mathematics and Latin. One of these teachers has been trained in the Training College of St. Andrews. We have six resident teachers, besides five visiting masters.

3367. What are your ideas about the committee of management?—I think five most suitable trustees in addition to the bishop have been named.

3368. But two of those are not resident in or near Cork?—But they take a deep interest, both of them, in the school, and have sanctioned it. I think that those five would be the best judges as to who it would be suitable to nominate in their places.

3369. Professor DOUGHERTY.—But could you be quite sure that their successors would be the best judges as to those who ought to succeed them?—I think that is the best security we can have, and, I think, we might make it compulsory on the survivors of those five, that they should immediately with the bishop co-opt a person in place of each one removed, and so make it compulsory not to let it lapse.

3370. What annual subscription do you think should entitle a person to have a voice in the selection of members of the governing body?—Well, a subscription is a completely new idea to me. A good many years ago, in fact before I had much connection with it, there were subscriptions, and there were charity sermons, but they were both found rather derogatory. So practically we have not had anything to say to subscriptions, except £50, since I took it up.

3371. But you got the £1,000 during the last four

years?—That is an endowment, and not a subscription in the ordinary sense.

3372. Lord Justice FITZGERALD.—You mean annual subscriptions to keep the daily expenses down?—Yes.

3373. Surely subscribers to an endowment would be an advantage?—It appears in the draft that a contributor of £500 will nominate one of these pupils.

3374. Dr. TRAVERS.—Suppose a donor of £500 had a voice in electing part of the governing body, would not that help me?—I do not know anything about that.

3375. Would you not be glad to get money on the terms, not for every donor to go on the governing body, but for every ten donors to elect one, so that the whole number could not exceed twenty?—I am not prepared to answer that question, that is a new idea.

3376. Suppose five donors of £500 pay £1,000 into the funds of the institution, would not that be worth taking an extra member on your board for?—It would be very well worth having—also £1,000.

3377. Would it not also be worth while to have an additional governor on the board to secure such a sum?—It depends very much upon his fitness.

3378. Lord Justice FITZGERALD.—We will take this draft scheme, and send you a printed copy of our own scheme, in which we may throw out some suggestions about modifying the governing body; then you can call a meeting of the trustees, and let them communicate with us about it.

3379. (To Miss Wexford).—Are all the pupils members of the Church of Ireland?—No, they are all Protestants, but there are Wesleyans and Presbyterians. They all, however, attend the Church of Ireland, and they are all educated by a Church of Ireland clergyman.

3380. They all receive religious instruction in that denomination?—Yes, and they are told beforehand that they must do so.

3381. Professor DOUGHERTY.—You don't see your way to widening the basis of the institution by allowing the various Protestant denominations to be represented upon the governing body?—No. I don't think it would work well.

3382. We find in the north that the various denominations work together harmoniously in the management of similar institutions?—We admit them all to the same religious communion no matter to what Protestant Church the pupil belongs.

3383. You compel them all to go to the Church of Ireland?—Yes, and when they are told that they do not make the least objection. I have had a few Roman Catholics who sought entrance to the sanctuary. I have said to them, "I will not refuse you, but you must be prepared to go to the Protestant church, to attend family prayers, be instructed in the Holy Scriptures, and you must be prepared to be educated by a Protestant clergyman. If you agree to that you may come."

3384. Lord Justice NAISB.—And of course they didn't come?—They did not come, and I didn't expect they would.

#### \* CORK SCHOOL OF SCIENCE, ART, AND MUSIC.

Dr. WILLIAM K. SULLIVAN sworn.

3385. Lord Justice NAISB.—You are president of the Queen's College, Cork?—Yes.

3386. The School of Science, Art, and Music was established in 1878 under the Acts of Parliament regulating public libraries in Ireland?—Yes.

3387. Were you connected with it from the start?—Yes. I am one of those who took an interest in getting the whole thing done.

3388. Before advantage was taken of these Acts of Parliament, was there a school of music in Cork?—No.

3389. Was there a school of art?—Yes, for a great many years.

3390. Was that the nucleus of the present establishment?—It was.

3391. What was the history of that school?—There was always a sort of voluntary school of art in Cork, and when the Act of 1866, extending the Museum and Libraries Act was passed, the Cork Corporation at once met the trustees or managers by taking advantage of the Act, and they gave them out of the Borough Fund a sum equivalent to what a half-penny rate would produce.

3392. When was that grant commenced?—In 1855, immediately when the Act passed.

3393. With the aid of that rate was the School of Art carried on successfully?—Yes, except as regards the building.

3394. Where was the building?—It was then the old Chancery House, which now forms part of the School of Art, but it was a wretched building.

3395. What was the course of instruction?—It was brought under the South Kensington Department of Science and Art and worked exactly as it is now.

3396. Was it taken advantage of?—To as large an extent as it was possible to accommodate those who went there.

3397. Did the pupils receive instruction in drawing and painting?—Yes—as now.

3398. And modelling?—Modelling only to a small extent—more from the absence of accommodation than anything else.

3399. In addition to the rate and contribution made by the Corporation, what other funds were available for carrying on the school?—The results fees.

3400. What was the next stage of development in the institution?—A meeting was called of citizens interested in the matter. The first meeting was in 1874 or 1875, immediately after I came to Cork. I had a principal part in the calling of that meeting, and we agitated the question for two or three years for the purpose of getting the Corporation to enlarge their grant with the result that a penny rate was adopted in 1876. A committee was appointed on March 24, 1876. Mr. Nicholas Dan Murphy, then the senior member for the city, an active member of the committee, brought in a bill which became the Act of 1877 by which two gaps in the Act of 1855 were filled up—namely, a clause enabling the Governing Body of the school to borrow money for building, and the power which didn't exist before to the Corporation of bringing in external modules upon the committee of management. They also asked music to advance and art.

3401. You have been working under that Act since?—We have.

3402. Your present committee is appointed under the Act of 1877?—Yes. And I should like to say, although we have a considerable number of members of the Corporation itself, the Corporation have acted in a matter worthy of imitation, both in the nomination and in the activity of the members of that body. Among the present members of the committee there is not a political party, nor a religious denomination that is not represented, and that has not also done good work for the cause of the institution.

3403. As regards the committee of management you have nothing to complain of?—Nothing whatever.

3404. And you find it works satisfactorily?—Perfectly.

3405. You have never any difficulty in getting a sufficient number of members for the transaction of the business of the institution?—Never. This present committee, which contains a large number, is divided into three sub-committees—one for art, one for science, and one for music, some two or three members like myself are on each of those sub-committees but as a whole I think they are extremely well attended and well managed.

3406. There is nothing you desire further in that respect?—No, I think nothing could be better than the arrangement.

3407. What are your resources?—We have got the rate of 1d. in the £1.

3408. How much does that give you in the year?—About £500 gross.

3409. Do you receive the entire produce of that rate?—Except £50 that was given originally to the

Christian Brothers' Schools in Peacocke-lane, we get the balance, £500 or so; and that is the first item of our income.

3410. What other income have you?—None at all, except the fees.

3411. What do the fees come to?—The pupils' fees in the school of music for the year, to June 30th, 1887, amounted to £718 1s. 11d.

3412. What was the number of pupils?—160 to 174 is the annual average.

3413. How are the classes regulated?—There are two day classes and an evening class, and we have now a third class free. The pupils attending the day classes pay twice as much as the evening classes, and, in fact, the school is working on the means obtainable from the day pupils. We pay some of the teachers by the hour and some otherwise, and by that means we are able to supplement what the evening class pays.

3414. What are the fees for a day pupil?—They are rather heavy. I should observe, in regard to the music school, because we are not dealing with the art school at present—that the great effort is to keep up a continuous course of study. It is important also not to interfere with private teaching and class teaching. Any pupil who comes to learn, for instance, any instrument of music like the piano, must go through a course of solfeggio and harmony. We have two classes for solfeggio—one for juniors and one for seniors—and that is one of the ways in which we think we have been doing most good. The junior solfeggio class for the first year pay £2, and the night class £1; and the senior solfeggio class for thirty lessons is solfeggio and thirty lessons in harmony pay £2 10s. and £1 respectively.

3415. Notwithstanding that some of these fees appear rather heavy, do you find a number of pupils who take advantage of the instruction?—We do.

3416. Dr. TRAVIS.—Are those fees for the year or for the quarter?—For the session.

3417. Lord Justice NAULT.—What fees do you receive in the other departments?—In the science school we are given the small grant which works it from South Kensington, and only a little from fees. South Kensington practically supports the science department which is only in its infancy. We have been trying to keep it alive, but until now we have not had proper accommodation.

3418. What instruction is given at present?—Chiefly electricity, mechanics, and scientific subjects of that kind; but we hope to have a technical school. We have another fund to which I should call your attention. It is connected more with art than science, though it belongs to the latter. It is the balance coming from the Cork Exhibition of 1883. We were one of the few exhibitions that paid their expenses and had something over. Besides a sum of £200 given towards purchasing a collection of examples of old lace to which the Government added £200. We have a little over £1,000 laid out in stock of the Cork and Brandon Railway. We have two scholarships in the year, and I hope some day we shall be able to add to them. These scholarships enable us to send some tradesman away to learn the better work of his trade. We began by sending a wood carver—to learn wood carving in London, and we hope to send him to Belgium afterwards. We have him also as a teacher of a class of wood carving. We sent a man—Murphy—a stonemason, who is now in South Kensington, as a carver.

3419. Professor DOUGHERTY.—I saw some of his work in England, and it is very creditable?—Next week we shall send away a carpenter to see the style of work in other places.

3420. Lord Justice FRYGEMAN.—Have you any hold on those men to bring them back again?—No, we must take our chance. If we put any condition of that kind, the result would be failure. I hope when

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they come back they will form classes in the science school. It is there I wish them to be connected with us. I hope when they come back they will take the superintendence of the laboratory which you run.

3431. Dr. TRAILL.—What does it cost to get those men trained on the other side of the water?—We give each of them half of whatever our little fund produces. No more than that.

3432. What would it cost to keep a man in London for a year?—We should be obliged to pay him £1 or 30s a week, but we do it in a lump sum.

3433. Professor DONNAN.—Does not Mr. Murphy hold a National Scholarship?—He does.

3434. You give those who hold scholarships aid from your Cork fund in addition?—Yes, he gets that in addition—that is 30s. a week.

3435. Lord Justice NAUM.—Now, as regards the Art Department, what are your receipts?—The students' fees in 1885, £283 7s. 6d.; the Borough rate that was given for that department was £183 10s.

3436. Dr. TRAILL.—That is out of the £550?—They get their share—£183 10s. for the Art Department. The payments by results for the year amounted to £180 10s. 5d. I shall hand you in some reports which will give details of all these.

3437. Have you any suggestions to offer as to how we can improve the efficiency of the school?—I think, as to art, I can scarcely offer anything; but with regard to music and science—and that is the reason we came before you—we draw up a statement for the Government (handed in), which sets forth our views. We want the Government to assist us on the ground that where the Science and Art Department give us result fees every year in science, they do not do so in music, and although music is not recognised by the Department of Science and Art in Great Britain, it is within the Act in Ireland. The Act of 1877, only extended to Ireland, I admit that that would open a very large door to the music schools in England. We started a dairy school, and there are now eight or nine in England.

3438. You consider that your funds are not sufficient?—Certainly. We cannot do anything with regard to a good technical school. To the men sent to England we cannot give a proper proportion of scientific teaching in the school itself to supplement what they have learnt abroad, and we are much worse off in music—because we had, in building the new school of art, to borrow £2,000 to buy the neighbouring space. The Government vested in the Corporation the old Custom House, which had been by a Treasury letter handed over to a body called the Royal Cork Institution, which at one time was a very great institution, but on the Government grant of £300 being withdrawn, and the removal of a great number of the higher families connected with the city away from it, it fell into neglect, and became desolate; eventually we got this building and a few of their collections that remained, and we had to buy the neighbouring property at an expense of £5,000. That is borrowed by the Corporation through the Corporation.

3439. From the Board of Works?—Yes, it is repayable by instalments, and it takes about £115 out of our penny rate.

3440. How many instalments are there to be?—I think twenty-five instalments in our case.

3441. How had you funds for building the very handsome structure we have seen to-day?—All the building fund from first to last, except about £1,500 subscribed originally for the school of science and for repairing the old building, and joining it with the school of art—for the whole school of art, and a great deal of the science school for the laboratory—all that has been done by Mr. Crawford who has spent nearly £20,000 already on the building.

3442. I am afraid we have no funds to allocate for the purposes of your school?—We first get into communication with your body owing to the Council

Request, but I believe it is both smaller than we anticipated, and that it is confined to Dublin.

3433. Lord Justice FRUGGSON.—The Council Request is £17,000, and a scheme for its management has been settled by the Court of Chancery. The Governing Body of the Royal Irish Academy of Music, and the Corporation of Dublin have been before us two or three times on the question of financing a joint scheme, but we should be very slow to interfere with the action of the Court of Chancery, and it must now with the Dublin Corporation and Academy of Music to see whether they will proceed. I don't know that the Council Request is confined to Dublin?—In 1884, I published the "Journal of Science applied to Industry," in Dublin, and in that an article was written on music schools, by the late John Edward Pigott, and at the same time a similar article appeared, upon which the present National Gallery was based. He, in fact, drafted the bill, and we hoped at that time that we had done for Dublin—founded a good academy, having a connection with music schools in the provinces. We hoped to have had a portion of the Council Request granted for the purposes of a National Scholarship.

3434. Lord Justice NAUM.—You have sent in a statement in which you propose that the Cork school as well as the other schools in Ireland should be affiliated with the Dublin school, that students should be granted where possible to the provincial schools, and that scholarships and exhibitions should be provided in the central establishment for deserving pupils from the provinces, and also a travelling scholarship?—Yes.

3435. Is your proposal that these scholarships, to be held in Dublin for education, should be open to Cork pupils?—Yes, and we also think, as regards the whole kingdom, Great Britain included, that we should have results fees most music, as the Commissioners of National Education are now giving for teaching agriculture. They have never provided good music teachers, and a good many of these who are teaching music in National schools have come to us and are taught.

3436. You supply the education for the teachers?—Yes. I think that the Board of Education should assist the music schools as they assist other training schools, by giving some grant in aid of the pupils taught there.

3437. Does not the National Board pay results fees for music teaching?—Not to us.

3438. But they pay results fees to trained teachers who do teach music?—Yes, but where do they get the teachers? We want you to consider that we are a normal school whence they get teachers. We claim to be a little better than the Dublin school, because we lay so much stress on self-education and harmony teaching, which nobody can pass over except they show a competent knowledge. I think this document will give you further information on this subject. (Document handed in.)

3439. The Lord Bishop of Cork (Dr. Gregg).—Allow me to say, in confirmation of what Dr. Sullivan has stated, that I am allowed to present a proposition of twenty-seven pupils to the scholarships in the school of music in each year. The applications to me are frequently to help persons to prepare to be teachers of music, and to assist them in their education for that purpose.

3440. Dr. Sullivan.—In explanation of what the Bishop has just said I should say that the Corporation appointed a committee, two or three years ago, to look into the schools, because it was complained that our high fees kept out poorer people from the music school. The high fees depended on the fact that we could not work the schools unless they were charged, and we made an agreement with the Corporation in return for their grant, that we would give thirty-three free places to be distributed amongst the different religious bodies in Cork. One of our reports will

enable you to see how they are distributed, and they include the twenty-seven that his lordship refers to.

3441. Lord Justice NASEL.—Am I to understand that the entire Committee of Management are appointed by the Corporation?—Yes, under the Act.

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### MUNSTER AGRICULTURAL AND DAIRY SCHOOL.

3442. Lord Justice NASEL.—Dr. Sullivan, would you now put before us the views you wish to state as regards the Dairy School?—With regard to the Dairy School, I think it might be very simply put—that we want the Board of Education to do for us exactly what they have done already.—

3443. Lord Justice FLEMING.—We want to know first, who are "we" in the Dairy School?—The Committee of the Dairy School.

3444. Lord Justice NASEL.—How are they appointed?—The original Dairy School Committee was appointed by the Agricultural Society and we consider ourselves a sub-committee of the Agricultural Committee.

3445. Is that the Royal Agricultural Society?—No, the Cork County Agricultural Society, which is one of the few provincial societies that has any backbone in it, and is working up to the present. It took up this matter of agricultural education on a report of nine some years ago. We wanted to form an agricultural institute here then, as the school was about to be given up and the place sold. The Commissioners of National Education then agreed to continue it with a local Committee.

3446. When did the Board of Education first take up the Agricultural School in Cork?—About 1854.

3447. I believe all their agricultural schools, except that at Glasnevin, failed?—Yes.

3448. They didn't pay their way?—Well, there are two sides to that. I was connected with Glasnevin for a long time. I taught there for several years, and I, at that time, was most anxious that instead of establishing agricultural schools at gentlemen's gates—I have before me Lord Enly's gate which had one as well as the one at Mungret—that they would take a piece of mountain, put a model school there, and add something for furnishing it. I was told that it was no use—that the thing would not pay, and so the idea was given up.

3449. As a matter of fact their agricultural schools were discontinued?—I was going to add that I wanted them, at that time, to keep their accounts for teaching separate from their farming accounts, and if they had kept and published their farming accounts distinct they would have shown that there was not always a loss. Now all the farming accounts are published separately, but then the result was that everybody in England fancied the schools were all failures, because they saw the master's salary put to the account of the farm.

3450. If they didn't put so much upon the agricultural school for teaching purposes would the farming pay?—Most likely.

3451. Professor DOUGHERTY.—Some of the agricultural schools paid pretty well?—Yes, it appeared so when the farming and educational expenses were kept separate; they kept their accounts separate.

3452. Lord Justice FLEMING.—It struck us that we could do something for your dairy school by giving a constitution to this local committee, and so making for a body that could deal with the Commissioners of National Education, and with Parliament and others?—Yes.

3453. In whom are the buildings and ground vested?—In the Commissioners of National Education.

3454. Do you occupy the place by their sufferance?—We now occupy it with their permission, and we work conjointly and assist them. We are recognized on that condition—we are tolerated, but I don't use that word in an offensive sense.

3455. You don't appear to have more than a transitory existence. You are merely a circle of gentlemen who help to work the place?—Nothing more, and that was one of the arguments I used before the Chancellor of the Exchequer when seeking for the grant of £2,000.

3456. Coming to the practical question, for we wish to do anything in our power to meet your views, it has occurred to us that we could make the Munster Dairy School a real model school, under local management, from which others might be formed?—I think you would be doing a real service.

3457. You understand we have power to do things never done before—to create incorporated bodies with whatever powers are best, and those powers having statutory effect. In other words, we can give you a constitution of a charter and an Act of Parliament, but we cannot create money?—That is, however, a point of vital importance.

3458. Lord Justice NASEL.—What do you get at present from the Board of National Education?—They pay all the expenses except what we supplement. The dairy gals are in the hands of the local committee.

3459. You get all the fees?—Practically, we pay them in.

3460. They pass through your hands?—Yes, and we supplement them. The fees don't quite cover the girls' expenses.

3461. Do you buy and sell the cows?—No, that is done by the Board. They appoint an agricultural superintendent.

3462. If the Board severed their connection with the school, and handed over the buildings and land to the local committee, and ceased giving any grant of money, would you be able to go on?—I don't think so. Not now especially.

3463. What are the expenses of working the school?—The actual expense of teaching and everything is about £700.

3464. Professor DOUGHERTY.—Is your committee a committee of the Dairy School, or is it also a committee for the agricultural department of the school?—Over the whole thing.

3465. How many agricultural pupils have you?—This year only nine. I don't think we shall ever have an agricultural school with the amount of land in the present farm.

3466. Lord Justice FLEMING.—In the case of the Mungret Agricultural College, which was originally constituted as yours is, under the National Board, the Board surrendered the premises to a local committee, and it is now no longer an agricultural college. If we could induce the National Board not to surrender but to vest for agricultural purposes in a local committee this place as it stands, and if that committee was so constituted as to be a really agricultural committee, and was empowered to deal with the National Board for their grant, do you think the thing would be more successful than if left in the hands of the Commissioners alone?—I think it would be more successful. I believe we could work it upon such conditions. But they would spend nothing on additional land. If they had taken a farm we wanted, we would have bought the tenant-right out of the £2,000 given by the Treasury, and it could be made one of the finest dairy schools in Europe.

3467. If you had local management instead of the Board would there be any danger of its ending as Mungret has done, in being converted from an agricultural into a Jesuit college?—That would depend

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upon the members. I think there is a good deal in having some central control. I like local management very well, but I like to have people aware that there is an authority over them, to keep them in order.

3438. Lord Justice NAPIER.—What is the £5,000 you were speaking of?—We applied to the Board of Education to take a farm of 300 acres additional, adjoining their present farm, and to work it upon the same terms as now. They didn't see their way, or rather they didn't see that the Treasury would see their way to do so. In London we came in contact with two or three members of the Government, that is to say I did, and one or two others, among them a member of the Agricultural Committee, Mr. Penrose Fitzgerald; and when £50,000 was allocated to Irish purposes we were offered a slice off it. I conducted the correspondence, and I asked for £5,000, as I thought that that amount would have done the thing rightly. However it ended by their giving £2,000.

3439. What would the remaining £3,000 have accomplished?—It would have given us a fund to commence with. At present we have from eighty to ninety girls in the year passing through the institution. In order to find milk to teach them their butter-making we have to buy cattle from day to day, and sell them again the moment they are done milking. We have to pay the highest price in buying, and we get the smallest price in selling them; and this is one of the chief sources of loss forming the £700 a year.

3470. Dr. TRAILL.—But the National Board buys that loss now?—They do, but if we had the £3,000 we would have stocked the new farms ourselves, and commenced making that which would be a great desideratum in the south of Ireland, a herd of proper milking cattle.

3471. Would not the sale of the milk in the interval realize more than the loss on the price of the cows?—No.

3472. You don't get it properly sold?—We don't get sufficient milk. We get everything properly sold, otherwise the loss would be enormous; but farming conducted on the principle of buying cows about to calve, and selling them three months afterwards won't pay. Besides, a school that only teaches how to make butter, and not the rearing of calves, and the treatment of cows out of milk, is most unsatisfactorily performing its mission. The whole thing is worthless—we are only doing half the work we ought to do.

3473. Lord Justice Fitzgerald.—If you could give me a biographical sketch of your committee, showing who you are, what you are, how you came into existence, it would be quite within our powers to vest in you all the fixed property of the Ministerial Dairy School, and to give you power to occupy towards the Commissioners of National Education the same position that is occupied by the patron or manager of an ordinary National school, receiving their grants and the fees of the pupils. If that were done, it would give you a permanence that you have not at present!—That would be desirable.

3474. Lord Justice NAPIER.—Who are the members of the committee at present?—Captain Beamish, Mr. R. U. Penrose Fitzgerald, Mr. Ledlow Beamish, Mr. Alexander Ferguson, a large farmer in the neighbourhood, Col. E. A. Skelton, Mr. Mackenzie, a merchant in town, Sir Daniel O'Sullivan, Mr. W. B. Barry, a large farmer, and two or three others who are better mechanics. We have several men connected with the Better Market Trust.

3475. You can elect anybody you choose?—Hitherto we have allowed the Agricultural Society to do that, as it is made a condition that no man can be a member of the Dairy School Committee unless he is a member to the Agricultural Society's Dairy School Fund, because we provide £800 or £400 a year for our own work.

3476. If the Committee or Trustees of the Better Exchange had the privilege of electing two or three

more members, would it be likely to excite more general interest and support?—I am quite sure it would. We are trying to get some practical working farmers in, but owing to the state of things the few that were there left us, or rather dropped off.

3477. What do you call "the state of things"?—Well, the present relations of landlord and tenant.

3478. Surely landlords and tenants have the same interest and ought to work harmoniously in a matter of this kind?—And so they did. The tenants certainly have sympathy with us, because we get their daughters sent to us, but we have never been in a position to push the thing.

3479. Where do these girls come from?—We have them from as far north as Stranaboe, but chiefly they come from Cork and Kerry. It is really a Cork institution. We have some from Wexford, and a few, I think, even from Austria.

3480. Lord Justice Fitzgerald.—I for one could never bring myself to believe that any attempt to educate the Irish in farming is hopeless, but that has been stated to us over and over again in Ulster, and everywhere else. If the gentlemen who have done so much for this institution will give us a plan for this Ministerial Dairy Farm, that would make it an efficient agricultural training establishment, we will gladly do all we can to place the governing body on a permanent basis?—I will undertake for my colleagues and myself that we will fully consider the matter, and give you that opportunity.

3481. Professor DODDART.—Then you are not one of those who think that it is an absolutely hopeless thing to attempt to conduct an agricultural school in an agricultural country?—We have done it.

3482. Lord Justice Fitzgerald.—It would be necessary to communicate with the Commissioners of National Education, but we can create a body to receive the State aid?—I should like not to weaken the position the Corporation of Cork occupy towards the Committee of the Municipal Schools, a corresponding position to that which the Board of Education occupies with respect to the daily school, and in everything that could possibly help in they take a part.

3483. Dr. TRAILL.—Is £700 the sum expended by the National Board, or is that their net loss?—That is their net loss. All the receipts go to the Board, and that is the net loss. It includes the salary of the superintendent, and all the expenses of the educational portion.

3484. Lord Justice Fitzgerald.—Do you think the loss would be less if the management of the place was in the hands of a local committee who had power to take additional land?—At present the Board grant us as much power as we want. They control us upon everything—they leave the whole matter to us.

3485. Dr. TRAILL.—Is the extra land sold in the market?—Yes.

3486. What would you get it for now?—It is rather dear. I think we would be able to buy the ten-acre right, and that that would be a very proper application of part of our £2,000.

3487. Lord Justice Fitzgerald.—What rent would you pay for it?—About 30s. an acre. We took two or three fields for a short time, and the Commissioners paid the rent of them as part of the expenses; but we could not take the land permanently. I could not undertake to be one of a committee that would take 300 acres of land, and pay for the ten-acre right of it. We see not a permanent body to undertake such a responsibility as that.

3488. We can make you a permanent body so that the members would not be personally answerable. That would enable you satisfactorily to deal with such questions as the taking of additional land?—At present we are entirely dependent upon the National Board.

3489. And this £2,000 from the Government?—That they gave us an out-and-out gift.

3490. Dr. TRAILL.—Where is it now?—They sent

it down to me, and we have put it into New Three per Cent.

3491. Lord Justice FRYGROVE.—That is unquestionably an amendment within the provisions of our Act, and can you not with that £2,000 form an incorporated body to manage this place?—I think you will find no difficulty about that.

3492. It looks as if that really was a practical thing!

# THE ERASMUS SMITH ESTATES.

Thomas Sanders, LL.D., J.P., sworn.

3493. Lord Justice FRYGROVE.—You are the agent for the Erasmus Smith western estates?—Yes; we consider them two estates. The western estate includes Galway and Sligo, and the southern estate includes Limerick, property immediately about the town of Tipperary, and property about two miles from it; property about six miles from Thurles; a small property near Mullingar, and also a mountain district in the King's County.

3494. In the report of 1880 the Tipperary estate was described, area 3,629A. 1R. 8C.; number of tenants 107; rental in 1870, £2,048 18s. 7½d. What is the present rental of your Tipperary estate?—£1,665, in 1886. The lands near Tipperary town are let at what would, apparently, be very high rents, but these are let as accommodation lots—as town parks.

3495. We find that, in 1880, £200 had been paid for the goodwill of a small lot there, the rent of which was about 63s. on Irish acre?—I am quite contented that—some of them are as high as £4 an Irish acre.

3496. The next is Soloheadbeg?—Soloheadbeg is about two miles from Limerick Junction.

3497. What is the rental of that?—£763.

3498. What class of land is Soloheadbeg?—Very good pasture and dairy land, but a portion of it is wet. The reduction from £814, the rental in the former Report, must have been before my time, because there was no important reduction since 1880.

3499. When did you become agent?—At the end of 1880.

3501. The statement in the former Report was that the lands were unevenly rented, that a new valuation should be made, and that a careful note should be taken of the tenants' improvements?—I may state that the tenants have evinced a good deal of dissatisfaction. The rents were raised in 1860 over all the southern estates by the Governors, and the tenants of Soloheadbeg said that the reason of the rents being raised was that some of the lands were drained under the Board of Works, and improved in that way, and that it was on the understanding that the increase in the rents should terminate after the twenty-two years—which has expired. I did all I could to enquire about it, and I enquired from Mr. Brennan, but he could get no trace of that being the case, and he entirely contradicted it. He has had to go before the courts once or twice—but that claim is made on behalf of the tenants.

3502. Mr. Murphy reports that very matter as a complaint in 1878?—Yes.

3503. The next townland is Drumbane. Where is it?—Six miles from Thurles—between Thurles and Neagh.

3504. What is the rental of it?—£813 9s.

3505. How have the rents on the Tipperary estates been paid?—There is a great deal of arrears on them at present.

3506. Dr. TRAILL.—To what date did these arrears accrue—were they the arrears on the 1st November last, 1886?—Yes. The last account was made up in January, 1887, and included the rents due on the 25th of September or the 1st of November, 1886, and at that time there was £255 5s. 6d. due on the Rathsmearagh and Abbey lands, plus near Tipperary, £70 under a year's rent; there was £203 5s. due on Solo-

—Quite so. I think if we had the additional land, that we would be able to work without any loss at all.

3493. It would not only increase the efficiency of the school, but you could administer the school quite as economically as at present?—Quite so; and what is more important we could have both boys and girls simultaneously, if we had the additional land, and that would raise our receipts from fees.

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headbeg, nearly £300 under a year's rent; £646 due on Drumbane, £160 under a year's rent, still that is a large sum; and there was £27 on Gortacoolish, about three-fourths of a year's rent too. Drumbane is, the greater part of it, poor uncultivated mountain land.

3497. Besides those arrears, were there any reductions or allowances?—Very trifling, on those lands. The Governors appointed Mr. Gray, who is, I believe, a very competent man, to value the lands with a view to making reductions and fixing fair rents, and in some cases he made reductions, but they were very trifling.

3498. What proportion of the rental is represented by judicial rents?—I should say about one-half. On these Tipperary lands there are no judicial rents.

3499. Did none of the tenants go into Court?—No, there were very few reductions. They didn't go into Court, nor did they accept the rents offered there upon Mr. Gray's valuation. The reductions were trifling.

3510. They simply didn't pay?—Yes. On Drumbane, I think, there are fourteen or fifteen, there were either six or eight fixed in Gortacoolish, and where there were reductions made, the others agreed to them; but there has been no reduction to any great extent on the Tipperary estates.

3511. Lord Justice FRYGROVE.—Now take the Limerick estate?—The rental of that is £4,085 2s. 6d.

3512. It has been reduced then from £4,470 1s. 7½d., the amount it stood at in 1875. What is the position of these estates?—The Limerick estates are all lying together near New Parks station on the Waterford and Limerick Railway—between Limerick Junction and Limerick. On those estates the Governors adopted the same plan. They appointed Mr. Hunt to value all the property with a view to fixing a fair rent, and wherever the tenants accepted his valuation the fair rents were fixed by agreement. There were some few—about a dozen—who were not satisfied, and they went into the Court. We offered them all the option if they didn't like the rents, that we would have the rents fixed by the Chief Commissioners' value. In some few instances they accepted that, but in very few instances they went into Court.

3513. How did the Commissioners' reduction fare relatively to the reduction made by your own valuer?—Very much greater indeed than our own valuer's, but the reductions were made on three or four of the farms within the last year, and Mr. Hunt himself has stated that since he made his valuation, he considers that prices have gone down very much.

3514. Dr. TRAILL.—In what year did he make his valuation?—In 1882—in 1881, 1882, and 1883 reductions are given.

3515. Have the Board given a corresponding reduction since 1882?—I think they have, very much below his. In the case in which he had given his valuation we called upon him to give evidence when they came into Court, but he recommended us not to call him as a witness, as he could not support the valuation then.

3516. Lord Justice FRYGROVE.—In the report of 1880 I find in the case of one of the holdings on the townland of Gortacoolish the observation that it was held by the Rev. Alexander McLaughlin, at the yearly

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rent of £21 2s. which Mr. Murphy thought very small indeed, and in your rental it is returned as £44 12s. 6d.—was that a reletting—he is returned as owing you £80 5s. 1.—There was a reletting, and a lease was given to Mr. McLoughlin. It was a farm that was greatly improved by himself. A great part of it required a good deal of draining, and so forth. Bishop Daly got it redrained, and subsequently it came to Mr. McLoughlin as the clergyman of the parish, and there was some legal difficulty about it; but ultimately it was arranged that Mr. McLoughlin should get a lease.

3517. He does not seem to have paid his rent!—He is largely in arrear now. He complains very much of the rent of what is called an accommodation farm which adjoins, and is incorporated with his glebe, and that farm Mr. Hunt took, in fact, nothing at all, and he complains of that being greatly over-valued.

3518. There was another case on the townland of Gairna, held by the medical officer of the district—10s. 1s. 2s. The rental in 1878 of that holding was £14 5s. 6d., or 57s. 6d. the Irish acre. The report of Mr. Minchin states—"The rental appears to me to be very much below its value." He is now returned as owing £35 13s. 6d. in November, 1880.—We find it very hard to get him to pay.

3519. That is nearly three years' rent. How is it that the medical officer and the clergyman are so much in arrear?—Well, we have been threatening him with proceedings. He has paid up a considerable portion, and I am not sure of the present amount due.

3520. What is the present arrear on the Limerick estate?—On the Limerick estate up to November last and September last, there were arrears in January last amounting to £3,201 14s. 3½d. A good deal of that has been paid in since, but still rent has accrued since.

3521. Has the arrear increased or decreased since 1st January?—With the addition of a year's rent I should say it has increased.

3522. Lord Justice NAUGHTON.—Was there a hanging gale in these districts?—Yes, in all of them.

3523. Does that account for the difficulty of collecting the rents at present?—Yes.

3524. Do any of these arrears represent a hanging gale according to custom, not payable at the time that you mentioned, or when the arrears were due?—Yes, there is half a year's rent.

3525. Dr. TRAILL.—Should it have been collected before the 1st January?—It should not have been collected according to custom until about the middle of May.

3526. Do you apply a hanging gale to judicial rents?—Yes. There has been no distinction made between these.

3527. According to the act, judicial rents are payable to the day?—We could not get them to do it.

3528. Lord Justice FITZGERALD.—In the south of Ireland you have not "whipped up" the hanging gale on judicial tenancies, as a rule?—I did so on one estate, but I was obliged to go back to the old plan afterwards. Under the present circumstances you could not do it.

3529. What is your course of dealing in collecting the rents—do you go once or twice a year?—Twice a year, and sometimes oftener.

3530. You have two fixed days?—Yes. We generally go on the 25th of November—that is one of our days—after the Fallow fair, and we go in May. The rents have been all necessarily much more irregularly paid all through the county of Limerick. If they don't pay then, they come in and pay me in my office, or remit.

3531. Dr. TRAILL.—You take it whenever you can get it?—Yes, and I am constantly obliged to take it upon account—we are obliged to relax the rules.

3532. Lord Justice FITZGERALD.—To what extent do you regard the reduction in the amount of your receipts as attributable to the fall in the value of land this last year or two?—I consider it entirely attributable to that.

3533. Can you form any estimate from your experience and knowledge of the estate, as to what the future receipts are likely to be?—It depends entirely upon the prices. This year has been a most unfortunate year in some parts of the property. There is one portion of the estate—the part near New Palace, which has a high pointed hill, and everything was parcelled up there. There is nothing open which to seed the cattle—they are starving.

3534. Lord Justice NAUGHTON.—Most of the estates in Limerick, I suppose, are pasture lands?—Yes.

3535. Is it by fattening stock, or by dairying that the tenants make their money?—By dairying.

3536. Has it been a bad year for butter?—A very bad year for produce. I should say there is fully one-third deficiency in produce, but prices are, on an average, better than last year. Prices were very low during the early part of the year; but from the end of August prices have been very good; but produce has been from one-third to one-half down.

3537. Have you any notion of what chances there are of a sale of this estate to the tenants?—No, I have never been authorized to make any proposal to the tenants about it, or to send them on the subject; but from what I find from the conduct of other estates, I think there is not the slightest chance at the present time, and there won't be unless at a very reduced price—something very much below what I would regard as the value.

3538. Dr. TRAILL.—Is not the grass about Lisrick very good now. Has it not improved very much?—It has improved very much.

3539. We drove lately through part of it, and saw the grass there up to the knees of the cattle!—At the end of July and in August there was scarcely any grass.

3540. But wasn't there plenty of food for these now for the winter?—Certainly, they will have a great deal more than they would otherwise have, now that there is a growth of grass; but there is a great deficiency of hay. Hay is very scarce.

3541. Won't they be able to feed them the whole winter through if there is no further untoward weather or heavy snow?—But all dairy cattle require hay. There are very few places where they feed them without hay during the winter, but it will render the consumption of hay much less than it would otherwise be. The hay crop is certainly generally one-half short.

3542. Lord Justice FITZGERALD.—Then your estimate of the produce of the estate this year would be less than last year—apparently considerably so?—Certainly. I should find very great difficulty in getting in the rents.

3543. Now, the Galway estates, where are they?—About the town of Galway. A great portion within the county of the town of Galway, and some just outside.

3544. What is your total rental?—£3,254 18s. 5d.

3545. That is practically unchanged for the last ten years?—Yes. A great deal of that consists of rents from house property.

3546. Lord Justice NAUGHTON.—Are they ground rent?—Ground rents, generally—there are some, but they are very small, not ground rents.

3547. Lord Justice FITZGERALD.—How does that stand in regard to arrears?—There was £2,461 7s. 1d. due on the 31st of January, 1881.

3548. There seems to be nearly as much due on that property as on any other?—There are one or two large holdings that have got greatly in arrear. Those are outside the town of Galway.

3549. Dr. TRAILL.—Do you collect the rents half-yearly or yearly?—Half yearly, in November and May.

3550. Lord Justice FITZGERALD.—Has anything been done to get up that arrear you speak of?—Well, we have been threatening proceedings; we have been threatening the principal tenant in arrear with proceedings, but the Governor didn't like to be extremely harsh to him, and he is constantly making promises.

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3551. Dr. TRAILL.—Is the tenant an ordinary farmer?—No.

3552. Lord Justice FRYGROVE.—Is he a middleman?—He is not a middleman, I think he is a retired police officer. He complains very much of the increase of rent put upon him some time ago on getting a lease, and he says that he was then entitled by the lease to the use of the seawood, which is worth £50 or £60 a year. But a question has arisen as to the right of the governors to the seawood, and the board of Galway go and take it away, and there has been a dispute about it, and he says his property is very much damaged by that. There is also a large tenant a great deal in arrears, Mr. Scorerille, and he became bankrupt the other day.

3553. Did you get up the lands when he became bankrupt?—No, we would have got up the lands, but I think he has offered a composition, and in that way the land is not given up to us.

3554. Mr. Murphy's report about Mr. Downport seems to describe the same position of affairs as now ten years ago, does it not?—He does not get so much from the land now; three or four years ago a very great storm swept away completely the road that he had cut down to the sea shore and a great part of his place. And the governors allowed him a large sum, a couple of hundred pounds.

3555. Is his lease out yet?—No.

3556. Is he now in a position to apply to fix a fair rent?—Yes.

3557. With regard to Mr. Scorerille, Mr. Murphy reports there is a splendid limestone quarry, from which he was allowed to carry away valuable stone, do you know anything about that quarry?—I know the quarry; it is a very large quarry, and I think a great portion of the buildings about Eyre-square were built out of it. Mr. Scorerille was a contractor and he was taking anything that was to be got out of it.

3558. How was that?—I cannot tell. It was before I was there.

3559. Dr. TRAILL.—Is he still quarrying out of it?—No, the last time I was there there was no quarry.

3560. Does anybody come in and quarry there now?—No.

3561. Have you any caretaker of the quarry?—No. We have a buller who lives down the railway and whose business it is to look after things there.

3562. How far is that off?—Between two or three miles, but I don't think there has been any quarrying there lately. I think Mr. Scorerille was about taking a contract for some quay to be built there, and probably it would be brought into use. There is a remarkably fine stone there.

3563. Is there any prospect of your getting an income from it?—I don't think so.

3564. Would it make two sets—is it limestone?—Yes, I think so; I think it would. It is a very fine stone, easily worked.

3565. Is it a very large quarry?—It is not a very large quarry, but I should say you could get any amount of stone out of it. The stone comes to the surface about a good deal.

3566. Lord Justice FRYGROVE.—What is the prospect of the rental on those Galway estates—is it likely to rise or fall?—I think it is more likely to remain stationary than any other, but on those positions that are farm lands I don't think we can get the same rents. I think the season has been unfavourable there.

3567. Is it sheep land?—It would be suitable for sheep. The additional value put upon it on account of its being near the town of Galway. They say that has very much diminished, that the town is not flourishing—that things have gone down very much.

3568. Have your fee-farm rents from Major Lynch, Mr. Joyce, and Mr. Ryan been regularly paid?—Yes, but they are all very much dissatisfied with it. They think they ought to get some reduction. Major Lynch's lease expires in 1891; he holds a great deal

under different tenures, and he has given notice to surrender a portion. He has a good deal of land under fee-farm grant, for which he pays £320 1s. 6d.

3569. Is that paid up?—Well, there was just half-a-year's rent due on January 1st, which he paid shortly afterwards. That was regularly paid. Then there is another large holding, which he holds for twenty-one years. The yearly rent of this is £436 10s. 8d. There was £406 due of that. That is practically half-a-year's rent also. There was some reduction which he was entitled to, no doubt.

3570. Who manages the houses property?—There are three houses in the main street of Galway that require looking after, and a good deal of repairs; we did expend a great deal upon them. They were yearly tenants, and we settled with respect to three of them to give them leases, and they undertook to repair them themselves. We made a reduction off the rent and gave them leases upon those terms. There is one large corner house on which there is a great deal of expense from time to time in repairing it. We expended half-a-year's rent on the repairs of that house.

3571. Mr. Murphy reported great difficulty in ascertaining the boundaries, as there were no maps or records. Have you had any survey of the estates since you became agent?—There were surveys made before I became agent, and we have got very fine maps. Some of the maps are the Ordnance Survey on a large scale of the town of Galway. We have got those and other maps.

3572. What is the condition of the Sligo estates?—The rental is £430 2s. 6d., and we get £1 10s. from very small sales of turf and bog.

3573. Is that paid up?—That is pretty well paid. There appears £360 odd due at this date. Near Sligo, Mr. Owen Wynne, of Hazelwood, is one of the tenants, and he and one or two other tenants there pay their rents perfectly well. Those are the principal ones. Then there is what they call the King's Mountain—that is some fifteen miles from Sligo, and that is a place that it is very hard to get rent from. It is an out of the way place, south-west from Sligo.

3574. The rental of Linnahilly was put down at £91 6s. 6d.—Portion of that was the shooting; Mr. Wynne paid £40 for the shooting, and we have had to reduce that to £25. Mr. Wynne would not continue the shooting unless we did that, so as we could not get anyone else to take it we had to make that reduction. The others are very small holders of a tract of mountain grazing, and we are obliged to take what we can get from them.

3575. The rental of the Westmash estate is stated at £443 7s. 6d. What is it now?—£425 7s. 6d.

3576. How much is due?—£412 10s. 6d., a hanging gale and nearly another half-year. They are pressed very much—they find a difficulty in selling their stock. They are graziers there. There is one lady who has a rather large farm.

3577. The last estate is Ballywilliam in the King's County, £13 1s. 6d., fee-farm rent?—Yes, we have some difficulty in getting the person to pay it, but he is obliged to pay in the end. We have had a great deal of trouble frequently with him.

3578. Do you see any immediate prospect of being able to sell any of those estates to the tenants?—As I have already mentioned, we have never broached it to the tenants, for we were never authorised, or it was never intimated to us that the Governors were desirous of selling. But from what I find about the tenants in the neighbourhood on other properties, I don't think there is the slightest chance of selling at present. The reason is that prices have been continually going down, and they say they doubt whether prices may not go down more.

3579. In other words they act upon the rule "don't buy in a falling market"?—Yes, and also they think they would be in a worse position. They say they

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could get time from a landlord, but that they could get no time from the Government.

3582. Dr. TRAILL.—They give the landlord, on the whole, a better character than they give the Government?—Yes.

3583. Lord Justice NAULT.—Comparing prices with what they are now, and with those at the time of the Commission in 1855, are they lower now?—Certainly, lower. I would not say they were lower in 1850—and not lower than 1848—but corn is very much lower. Oats is not so very low. It is lower, though; but of wheat the price has gone altogether. The wheat crop was very good this year. They only grow it in point of fact for straw and for thatching; they grow wheat at present. But I should say with regard to the price of meat—I don't think it is lower now than in 1882. The price of butter is pretty much the same as in 1849.

3584. Could you give us the actual revenues of the Government?—The deductions are very large. In the Limerick estate there is a very large amount of work in arterial drainings in connection with the Mulcair river. In 1885 we got in a very large amount—£1,090 over the year's rental. That arose from the arrears under the Arrears Act not being settled, and the arrears being got in then. Though the gross receipts were £7,651, the net amount which the Government got was only £6,543. In the following year they got only £4,574 &c. 4½d., in actual cash, out

of £6,629 rent; and in the year ending the 31st of January, 1887, they got in cash £3,368 13s. 5½d., out of a rental of £6,519 &c. 10d. The sums I have given are the actual sums that I have paid over to the Government.

3585. Dr. TRAILL.—You don't mean after deducting agents' fees?—After deducting agents' fees and everything those are the actual sums they got.

3586. Professor DOUGHERTY.—Then the net revenue from these estates is over £5,000?—£5,200.

3587. The net revenue!

Mr. Sanders.—I am confused. I have given you the net cash received out of the property, but the net cash, after outgoings which the governors have to pay, in the year ending January, 1886, paid over to them was £4,377 7s. 8d.—that was a large sum. In 1885 it came down very much indeed—£3,150; and for 1886 it was £3,060. I can give you the current figures now. The net cash for 1884 was £5,377 7s. 8d. I said £5,000. In 1885, the net cash was £3,150; in 1886, £3,930; so that you can hardly look upon the income from these estates as being more on an average of three years than £4,000 a year, there was a large sum in that that is exceptional. I would not reckon it more at present than £3,500. From Galway and Sligo, all the rest are in the southern estate, the net cash in 1885, was £1,547 2s. 5d.; but that only commenced in May. For 1886, £2,085, and 1886, £2,597. That is, the average of the two is between £2,500 and £3,300, and the total average income is £5,800.

#### ENDOWED SCHOOL, CHARLEVILLE.

Thomas Sanders, LL.D., J.P., examined.

Thomas  
Sanders, LL.D.,  
J.P.

3588. Lord Justice FRYGIMORE.—In the report of 1858 and in the report of 1886 there appears to be an endowment of £40 Irish, payable by Lord Cork for the endowed school in Charleville. Do you know anything about that?—I know that there is a very old endowed school for which £40 Irish was paid; in fact I was at school there when a boy. At one time there was a good country school there of forty or fifty boys, and also boarders. There was a house attached, rented from the Earl of Cork at a rent of £15—greatly below its value—a good house and garden. There was a schoolhouse also—a school building. The boarding-school was done away with thirty years ago or more. After that Lord Cork appointed a Mr. Cronyn, and it promised to let £40 that he would restore the school. He was a good man in college, and a man of very considerable ability, but he proved to be very little fitted for a schoolmaster. That was twenty years ago, and he allowed the school to fall away altogether. He took pupils now and then, but he had no money for teaching through a good grinder, and at last no scholars went to it. He let the schoolhouse to a carpenter, and ultimately the building disappeared altogether. The carpenter didn't pay any rent, and then didn't

find that he wanted it. The roof first disappeared, then the walls were knocked down. This Mr. Cronyn was a man of very little means, and no one liked to find fault with him for not keeping up the school.

3589. What has become of him?—He is dead.

3590. Since the last inquiry in 1879, in consultation by the Earl of Cork, what has been done?—Nothing.

3591. Who is the agent to Lord Cork?—Mr. O'Kearney, a solicitor in Cork.

3592. Does he pay this £40 a year to anybody?—I cannot say he does. For some time the prime got up a school principally for teaching clerics to farmers' sons who were looking forward to the priesthood. It was in the house adjoining the chapel, and I understood that the £40 was given to him at one time. I am not aware whether it has been continued since.

3593. Are you aware that this is one of the schools which the Commissioners of Education say is under their management and control?—I never heard of their interfering with it. We only knew that there was an endowment of £40 Irish a year.

Rev. John J. Sargent examined.

Rev. John J.  
Sargent.

3594. Lord Justice FRYGIMORE.—You are Rector of Charleville?—Yes. At that time of Lord Rosse's Commission Mr. Cronyn was in Charleville. I differ from Mr. Sanders as to him, and I would say that Mr. Cronyn was a most useful teacher, but the pupils didn't go to him. I met a naval officer recently who spoke to me of the admirable education he and his brothers got from Mr. Cronyn. He was an entirely classical master and a most accomplished man, but the school dwindled down to nothing. I was very anxious that there should be a school there. There was always an undemoni-

national school there. The celebrated Lord Avonmore received his education there, and other men of note.

3595. What step could we take to restore the endowment?—All the inhabitants of Charleville would be glad to have a school there, but I don't think there would be any use in trying to start a partly classical school. I did try for a time a classical school. I got a competent master, and tried it for six months, and I was only able to get three pupils during those six months. Mr. Lecky paid over his grant, and I handed it to the master. Mr. Lecky, as I understand, would be willing to pay this money

to anyone who would carry on a school at Charleville. Mr. Crenya had nothing to support him but this £40 a year, and I hesitated to do anything to deprive him of his means of support.

3594. What year did he die?—He left Charleville altogether fully six years ago. He died since. The money was paid to him, as I understand, by Mr. Lecky. I have spoken to Mr. O'Keeney about a school, and have asked him to bring it under Lord Cork's notice. I wrote also myself, but nothing was done by anyone who has any authority.

3595. Who had authority to appoint the head master?—Lord Cork, and it was absolutely in Lord Cork's hands in every respect. Mr. O'Keeney is most ready and willing to do anything, of course.

3596. We should get a definite proposal as to what ought to be done; if you could get a communication from Lord Cork, it would be very desirable. Perhaps a school is going on still?—I understand the money is paid to the Rev. Dr. Rice for a school for educating young men for the priesthood of the Roman Catholic Church.

3597. Professor DOUGHERTY.—Is that still in operation?—It is still in operation—close to the chapel, but this is an undenominational endowment.

3598. Do I understand that there is no demand for intermediate education among the Protestant population?—I think there is a demand for intermediate education, but it would be a mistake to think of starting a purely classical school.

3599. Dr. TRAILL.—The education might be intermediate without being classical?—Yes.

3600. Do you know if the £40 is being paid?—I think it is paid to the parish priest. I do not affirm it, but I think so.

3601. Lord Justice FITZGERALD.—Unless someone in the neighbourhood takes an interest and stirs up the matter, it will be very difficult for us to do it?—I have started up the matter in the way of communicating with Lord Cork and his agent, but I could not get the materials for a school, and a master won't come to us for £40.

3602. What do you say ought to be done with the money to make it useful?—Lord Cork is bound to pay it.—Yes, I believe Lord Cork would be quite willing to pay it. But I was anxious that it should come under your notice in order that you should consider what steps ought to be taken. I don't know really what to do. I have no authority whatever.

3603. What is the nearest intermediate school to Charleville?—I don't know whether you would call a Christian Brothers' school an intermediate school. There is a Christian Brothers' school in Charleville.

3604. Have they an intermediate class?—Yes. There are examinations held for intermediate examinations.

3605. Have you a parochial school?—Yes, but so small that I could not put it under the National Board.

3606. A purely elementary school?—Yes, purely elementary. I have only seven children.

3607. How do you maintain the school?—Mr. Sanders gives me a subscription, and some few others, and I subscribe myself.

3608. Professor DOUGHERTY.—Is there any prospect of maintaining a superior school area with the aid of this endowment, for the Protestant population?—The only kind of school that would pay there would be one that the shopkeeping class would take advantage of. I don't think that any of the gentry would send their children there. Some general education that would be useful for business people and others is what is most required.

Mr. Sanders.—We could not get up an undenominational school without having a very good master—that would induce the Protestant part of the population to send their children. That would be a strong inducement.

3609. Lord Justice FITZGERALD.—But you have no building?—Rev. Mr. Sargent.—We have no building and the parochial schoolhouse would not be suited for anything of that kind. It is a very small building.

3610. We must communicate with Lord Cork's agent on the subject, and find out what is being done with the money, and also ask him for any proposition as to how it could be utilized. The people of Charleville ought to give us their ideas. Here is an extract from Smith's History of Cork: "In this town the first Earl of Orrery endowed a celebrated free school, who though he had great offices and a plentiful estate, yet his soul seemed much larger than his fortune. The Master has a house and £40 per annum salary." The house was really held under a yearly tenancy, and the endowment is £50 a year Irish?—Yes, quite so, and it is quite inadequate in itself to support the school.

3611. But we ought not to let the £50 a year, small as it is, fall into abeyance?—That is my reason for appearing before you today.

3612. Would it be useful if given by way of results fees for boys from the town of Charleville under the Intermediate Education Act?—But there is no school in Charleville at present to which all denominations can go.

3613. But we could give it for boys from Charleville under the Intermediate Education Act?

Mr. Sanders.—I think that would be very desirable, and I don't see any other way to usefully apply it. It is altogether too small to induce a really good teacher to go there.

3614. Dr. TRAILL.—How are you to get results fees under the Intermediate Education Act, when you have no Intermediate schools?

3615. Lord Justice FITZGERALD.—Any boy who belonged to Charleville, and who was taught anywhere, might have a share of this £40 paid for his teaching, by way of result fees, or they could give it to the boy himself as an exhibition?—I shall write to Lord Cork on the subject.

3616. The powers of this Commission will only last another year, and any practical suggestion made by the people of Charleville we shall be happy to consider?—In a former common law proceedings were taken by Mr. Chaney, but I don't know whether it actually went into the courts; however, the endowment was paid.

3617. It is not disputed that the rentcharge is perpetual?

Mr. Sanders.—It never was disputed in my time. I heard there was a suit a long time ago, but I don't think that Lord Cork would ever dispute it.

3618. Surely among the Catholics and Protestants of Charleville there ought to be a practical suggestion as to how you think this money should be utilized?

Rev. Mr. Sargent.—There is another endowment on Captain Harrison's property near Charleville. The late Mr. Harrison gave me all the information he could concerning it. It was a charge on property in Dublin, but we could not discover where it was.

3619. How long has that lasted?—Fifty years.

3620. I am afraid we could not go into that. As to the £40, we could transfer the money to the Intermediate Education Board to apply it either as results fees, or by way of exhibitions for boys from the town of Charleville. If there is no other way of doing it, that might be a feasible way?—I don't see a better way of doing it.

3621. And filling those boys, boys from the barony, or boys from the county?—Yes.

3622. It would be a great assistance to four poor boys if they got £10 a piece?—Yes, indeed. Barry, the first Lord Avonmore, was educated at Charleville, and Dr. Anster, and several others who rose to eminence afterwards.

Oct. 27, 1887

Rev. John J. Sargent.

Oct. 18, 1887.

TUESDAY, OCTOBER 18, 1887.

At the Courthouse, Bandon.

Present:—The Right Hon. Lord Justice FRIGGESSON, and the Right Hon. Lord Justice NALIN, Judicial Commissioners; and ANTHONY TRAILL, Esq., LL.D., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, Junr., was in attendance.

## BANDON ENDOWED SCHOOL.

Mr. Robert Henry Power, sworn and examined.

Mr. Robert  
Henry Power

3623. Lord Justice FRIGGESSON.—I believe you are the agent for the Duke of Devonshire?—Yes.

3624. The property was formerly Lord Cork's?—Yes.

3625. Have you got a copy of the will creating the Endowment for the Bandon School?—I have the only existing contemporaneous copy (produced). The original will never could be found. The part about the Bandon School is very vague—it is all rather vague.

3626. Are you the agent for all these estates on which these charges are still payable?—No, the Youghal property has been sold. The Duke only retains the schoolhouse and almshouses.

3627. How is the school maintained here now?—£30 is the amount of the endowment by the will of Lord Cork, but the Duke sometime ago raised it to £40, and about 100 years ago he built schools.

3628. What is the amount you pay?—£40 sterling.

3629. To whom do you pay it?—To the Head master.

3630. Do you know anything of the tenure of the ground upon which the buildings are erected?—No, the agent, Mr. Borwick, will be able to tell you that.

3631. Do you take any part, on the part of the Duke, in the management of the school?—No. At Lismore I do, but that is only with the consent of the head master for the time being. The Dean of Lismore and I are visitors to the school.

3632. What is the head out of which the rent-charges arise?—Out of the Duke's property generally, there is no particular land.

3633. Does the Duke still retain estates in this neighbourhood?—Yes.

3634. They are Grammar schools although they are called free schools?—They are called free schools, but as a matter of fact they are not free schools. There is a document of 1639 in which it mentions that at the Lismore School there were a certain number of boarders who paid £19 a year.

3635. Was Richard Boyle, the first Earl of Cork, the

founder?—Yes. There is the letter to which I allude (letter handed in). Lord Cork's agent, Mr. Waller, is the writer of the letter, and though it is rather long it is interesting.

3636. To which of these schools does this letter relate?—To Lismore.

3637. As regards the maintenance of the school—have you any suggestion to make?—I do not propose to throw out any suggestions with regard to a school. I could not think of any scheme that would be of any benefit with the small endowment that is available.

3638. Lord Justice NALIN.—Was this £30 a year, the ancient endowment, paid continuously from the foundation of the school?—Continuously—I have traced it back to 1730, and some years ago it was raised to £40.

3639. Who appoints the master?—The Duke of Devonshire always, as far as I am aware.

3640. Lord Justice FRIGGESSON.—Is the house kept in repair?—It is in very fair repair now. The Duke keeps it in repair.

3641. In addition to giving the endowment?—Yes.

3642. Does he lay out any other money in support of the school?—Last year he gave a sum of £15 for providing some globe histories for the school, but otherwise I don't think he has ever done so.

3643. We have had several schools of this kind to deal with, and the suggestion has in some cases been made to create a local governing body to look after it with a representation of the funders. Do you think any arrangement of that sort would meet with the approval of the present patron?—I have not consulted the Duke on that point; he always has himself appointed to the school.

3644. He appoints or removes the head master?—Yes, and there is a regular written appointment.

3645. What is the tenure of office?—During the Duke's pleasure. I will give you a copy of the appointment.

3646. In point of fact, it has been managed as a private endowment in the hands of the Duke of Devonshire?—Yes.

Mr. Thomas Reginald Courtney sworn.

Mr. Thomas  
Reginald  
Courtney.

3647. Lord Justice FRIGGESSON.—When were you appointed head master of the Bandon Endowed School?—In November, 1880.

3648. You were appointed immediately after Dr. Brown, whose death was mentioned by Mr. Mahaffy in the former Report?—Yes.

3649. When you came what number of boys were attending the school?—One boarder and about eight day boys.

3650. Where had you been engaged previously?—At the Newport Incorporated Society's School, in the county Tipperary.

3651. You succeeded Mr. Lindsay there?—Yes.

3652. That school is now closed?—Yes. They never got a master after I left it. It is let as a farmhouse.

3653. What number of pupils have you got now?—About 21.

3654. Dr. TRAILL.—How many boarders?—Four.

3655. Lord Justice FRIGGESSON.—Where do the boarders come from?—One from Dublin; the other three from this county.

3656. What are the boarders' fees?—They range from £35 to £45.

3657. How many day pupils have you?—Seventeen—all from the town.

3658. What are the day pupils' fees?—They range from £8 to £10 a year.

3659. What religious denominations do the pupils belong to?—Principally to the Irish Church; some of them are Presbyterians, and some Methodists. I had

one or two Roman Catholics since I came here. I have none at present.

3650. What is your course of education?—All the boys take the regular English subjects, and arithmetic. There are fourteen learning algebra, and the same number learning Euclid, and there are sixteen learning Latin. Greek is not a favourite subject—there are only two learning it. Since Greek has become optional it is given up by the schools. In French we have fifteen; there is one boy learning trigonometry and another geometrical drawing, and three learning mechanics, and then we have lectures on the natural sciences.

3651. Have you assistant teachers?—I have two resident masters—one, a German, takes French, German, and music. The other takes science, principally, and I take the higher English and Latin and Greek history, and everything of that kind.

3652. Is the school without assistance except the endowment from Lord Cork, and what he gives for the maintenance of the building?—No other assistance.

3653. Then in all other respects it is dependent upon the school fees?—Yes.

3654. Have you or your masters any other means of adding to your incomes, or are they entirely dependent on the school?—They are entirely dependent on the school and me.

3655. What are their salaries?—£40 a year each, and board and lodging.

3656. Dr. TRAILL.—You were a scholar and gold medalist of Trinity College yourself?—I was.

3657. Lord Justice FRYGROVER.—Have you now as many boys on you ever had?—No; in 1883 I had up to thirty-eight.

3658. To what do you attribute the falling off since?—A good deal to the state of the country, and I think the failure of the Munster Bank had a good deal to do with it. Then a great many go to the National schools who would naturally otherwise come to this school.

3659. Is there a model school here?—Not a model school. They teach some of those subjects—Latin and French, I believe, in over houses.

3670. Professor DOUGHERTY.—Do you send pupils to the Intermediate Examinations?—When I came here first in 1883, eight I think went up.

3671. Have you ceased to send pupils?—I have, for some years.

3672. What is your reason for having withdrawn your pupils from these examinations?—I hadn't the number, and they were not fitted. I have a couple now going in. I intend to send them in next year.

3673. You have no objection to the Intermediate system or to the examinations?—Not the slightest, but in a small school it is difficult to carry out everything. Some of the boys will go up for the Royal University, and Queen's College, Cork, others for Trinity College, others propose perhaps other subjects, and in a small school you cannot carry out everything.

3674. Dr. TRAILL.—Had you a centre in Bandon?—We had not.

3675. How far had you to send them?—Only to Cork.

3676. Lord Justice FRYGROVER.—Would not the Intermediate course be a good preparation for boys going to Trinity College and to the Queen's College?—I think not—certainly not for Trinity College.

3677. In what respect?—The courses are quite different.

3678. But are you aware that 90 per cent. of the boys who get entrance exhibitions at Trinity College have also got Intermediate prizes and exhibitions?—I have got one prizeman in the Intermediate myself who got 11th junior exhibition at the Intermediate. He has got a scholarship, and is one of the leading men at Trinity College.

3679. Then why do you think the Intermediate course a bad preparation for Trinity College?—I didn't say so; but in a small school if a boy is reading for

Trinity College, you must confine him to that course, and cannot keep him to the Intermediate course.

3680. Dr. TRAILL.—You have not enough teachers to carry on so many subjects—you cannot firm through classes?—Of course not.

3681. As far as the education goes it would fit them for every situation and make scholars of them?—Yes.

3682. Lord Justice FRYGROVER.—Have you any other school in Bandon besides the National School competing with you?—No.

3683. Lord Justice MARR.—Is there any other Intermediate school in Bandon?—Not that I am aware of.

3684. Professor DOUGHERTY.—Do the people of the town take much interest in your school?—No, they don't. I don't think they support it sufficiently.

3685. Do you think they would take more interest if they had a voice in its management?—I cannot say; I suppose they would.

3686. Would a local committee for the management of the school be of any service to you?—I should say so. If they took an interest in the school I would be very glad.

3687. Lord Justice FRYGROVER.—In a town not as well situated as this in many respects—Monaghan—they made a very successful school?—I think there ought to be a successful school, but the endowment is so small that the terms could not be less. I could reduce my terms if I was sent more boys, or if the endowment was enlarged.

3688. Are there any more children who, if you had proper support, would be likely to be attracted to the school?—I could not say at all. I got a good deal of support when I came here first, for the first two or three years.

3689. Professor DOUGHERTY.—In what way?—I think there was a good deal of interest taken, and a good deal of exertion made to get pupils. They were brought then from other places here.

3690. There was an attempt to supplement the endowment by local subscriptions?—There was not.

3691. Or to establish prizes or anything of that kind?—No—I think the provost and burgesses gave £20 a year, about the year 1776, on condition that four free pupils were to be educated in the school. I don't know what has become of that.

3692. Lord Justice FRYGROVER.—I suppose the provost of Bandon no longer exists?—He does not.

3693. The Town Commissioners of Bandon do nothing for education?—No, they do not.

3694. In your opinion would a local committee be of advantage to your school?—That would depend upon its members.

3695. How would you suggest that we might find useful members?—I could not suggest any way.

3696. Dr. TRAILL.—In what way do you think that the local committee would be of any assistance?—Simply if they increased the endowment, and exerted themselves to get pupils.

3697. Does Lord Bandon take any interest in the school?—No, not in this school—we are not on his estate, or in his parish.

3698. Professor DOUGHERTY.—You have had a good deal of experience in teaching, I understand?—Yes, I have. Mr. Bernard, the Fellow of Trinity College was one of my pupils. I educated him from his youth; and Glanville, a scholar, is another—he is a very good man.

3699. Lord Justice FRYGROVER.—Did they enter Trinity College direct from your school?—Direct. Bernard entered from Newport, and Glanville got an exhibition out of this school. I brought him with me from Newport. I brought seven teachers from Newport, and they have never increased since, in fact they have diminished—these are rather hard times for everyone.

3700. Dr. TRAILL.—What was the year in which you obtained your gold medal in Trinity College?—1860.

Oct. 18, 1887.  
Mr. Thomas  
Spiegel  
Courtney.

## ERASMUS SMITH'S SCHOOLS.

Oct. 21, 1887.

3701. Lord Justice FRYCROFT.—The next school that we are anxious to find out something about is the Erasmus Smith's school. Is the clergyman of the parish, or any other gentleman present, who can tell us about that?

Rev. Mr. Harper.—There is no Erasmus Smith's school at present.

3702. Lord Justice FRYCROFT.—Are you the rector of the parish?

Rev. Mr. Harper.—No, I am only the curate.

Rev. W. D. Harper sworn.

Rev. W. D. Harper.

3703. Lord Justice FRYCROFT.—You are curate of Kilbrogan parish?—Yes. Ballynaden is on the other side of the river, and this side of the river is Kilbrogan parish.

3704. Do you know the schools formerly supported by the Erasmus Smith Board?—Yes.

3705. Does the Board still give any assistance to them?—No, that has been withdrawn five or six years ago.

3706. Dr TRAILL.—The Board withdrew all those grants about the same time?—No; other little schools under the Erasmus Smith's Board are still being supported about the country, at Innesbannon, and other places.

3707. Lord Justice FRYCROFT.—At Innesbannon, they got £14 15s. 8d. formerly. That has not been withdrawn?—I believe not.

3708. I believe they withdrew the grant from all places where they thought the attendance would be sufficient to enable them to get State aid?—I cannot say.

3709. Do you know if these schools are in connection with the National Board?—No. The Erasmus Smith's School is now supported by the Church Education Society and by private donations.

3710. Who is the manager?—The Rev. R. Q. Fawcett, the rector of the parish.

3711. How many pupils are attending?—About fourteen children—it is just a little Church Education School.

3712. But in 1878 the master got £20, and the assistant £10, and it appeared to be a considerable school?—It was a very considerable school, but the National schools have drawn the children off.

3713. Why is this school not a National school?—The Church Education Managers must answer that question.

3714. Where are the schools situated?—In Kilbrogan-street, to the north of the town.

3715. Professor DONOVAN.—Are they in the globe?—No, not on the globe ground—in one of the public streets.

Rev. R. C. Fawcett sworn.

Rev. R. C. Fawcett.

3716. Lord Justice FRYCROFT.—When was the Erasmus Smith grant to the Kilbrogan schools withdrawn?—I think about 1881.

3717. Since that time how has the school been maintained?—The Duke of Devonshire subscribes to it—and in fact is the entire support of it.

3718. To what amount did you obtain voluntary subscriptions?—His subscription of £30 in fact pays the salary. Lately we have got a few subscriptions from the parishioners, but it is only lately.

3719. How is the building held?—The duke owns it.

3720. Was it surrendered to him by the Erasmus Smith Board?—They never had it at all.

3721. Is any rent paid for the building?—Not by us.

3722. Was that building formerly used as a training college?—It was formerly a training college of the Church Education Society for the province of Munster. The bishop of the diocese had it.

3723. How long has it ceased to be so used?—It ceased for some years before 1878, when I came here.

3724. You pay £30 a year salary to your teacher?—Yes.

3725. What are her qualifications?—I cannot tell you exactly. She has not any very high qualifications.

3726. Has she any other emoluments except the £30?—None except some small fees from the pupils.

3727. How many pupils are able to pay fees?—Very few, they are rather a poor class of children.

3728. Some of the children are supported by the Protestant Orphan Society?—Yes, those pay no fees. There are five of them.

3729. We find that during the year you have had only fifteen on the roll together?—That is at present. We have had more than that number from time to time. I think we have had nineteen on the roll at one time.

3730. We found no child in the school higher than the fourth class, and only a few of those. Is there any education given in the school better than a fourth class education?—I think the teacher is competent to

take the children higher than that, but the children are not competent to receive the instruction.

3731. She told us that last year they had one pupil in the fifth and one in the sixth class, but that they have both left?—Yes.

3732. Where are the children of your congregation going?—We have not very many children that would avail themselves of such a school as that, and some of them go over to the other parish where there is a National school.

3733. But we found a number of Church children in the Presbyterian and Methodist schools who were, I understand, from your parish?—Some of them are in my parish, but not very many, I think.

3734. There were twenty-two in one and I think eighteen in another, all of your denomination?—Some of our children drop to the Presbyterian National school and some go to the Church National school at Ballynaden. They consider a National school standing better than that of the ordinary Parochial school.

3735. Then what prevents you from giving a better education in your school?—In the first place I don't fall in with the National Board view, and in the second place I don't think I have on the roll enough children, and consequently I would not get a grant from the Board, but I might get a capitation grant. The Select Vestry did ask the National Board at one time to take the school but they declined, thinking that they have enough Protestant schools in the town.

3736. Does it occur to you that the education of the poorer Protestants of the town would be better provided for if they had fewer and better schools?—Well, a clergyman does not like to give up his own parochial school if he can help it. Perhaps they might be better educated if a high class school was provided, but it injures a parish to have children scattered about and going to other schools. A clergyman likes to have his own school if he can.

3737. But your children seem to be scattered over three or four schools, and not even Church schools?—They are certainly, because they prefer the education they get elsewhere.

3738. As being better than what you offer them?—As being better, I suppose.

3739. Dr. TRAILL.—Don't you think it is a hardship on the poor class of Protestants that their children do not get the best education that can be obtained to put them fairly forward in the competition of life with other denominations?—Well, I don't like closing a school merely for the purpose of sending children away for a better education.

3740. Don't you think the Protestant children of the Church should have an opportunity of getting the very best education?—They get an opportunity sufficient to make them fit for their sphere of life, to make them fairly efficient.

3741. Lord Justice FRANKLIN.—We found from the reports of the Inspector on secular knowledge in your school that reading, arithmetic, geography, and grammar were found "weak" in the various classes again and again?—I have not the reports so I cannot say. He has of course found weak points in the school.

3742. Dr. TRAILL.—Would not the inspection of a National Board Inspector be a very valuable stimulus to the teacher to enable her to get proper results from the children?—I suppose it would; I don't belong to the National Board.

3743. But it is the children I am talking of?—The children are willing to come to the school and I am willing to keep it open as long as they come.

3744. Lord Justice FRANKLIN.—Is there any convention paid for the children sent by the Protestant Orphan Society?—They don't pay anything.

3745. Have you absolutely no property to maintain the school except the building?—The Duke allows the building to be used and pays the salary, but we have no property in the place whatever.

3746. Have you any annual sermon or collection for the school?—Not for that school specially. We have a sermon for the Church Education Society of the diocese.

3747. How much does the Society allow towards your teacher?—They don't give anything to that school, they give to another small school in the country.

3748. How much do you get from the sermon?—Three years running, £3.

3749. Would it not be better to spend that on your own school which is so badly off?—But I have another school in the country, and they won't give as a grant unless we give them a sermon.

3750. What is the name of the other school?—Carew, it is out in the country, three and a half miles. It is in this parish.

3751. What number of children are there on the rolls there?—At present there are hardly any because the teacher has just gone to America, and the school has become broken up.

3752. Is it likely to be re-opened?—I am afraid it will hardly be re-opened. It is at present open but I am afraid it will have to be closed.

3753. Are there National schools in its neighbourhood?—There are. There is another National school in the parish of Ballypallen, quite close.

3754. Under whose management is that?—Under Mr. Porter's management. He is the rector.

3755. Then the children have gone away from the Church Education school to the National school?—Yes, they have gone there.

3756. Is not that an indication, to put it generally, that the Church Education schools do not give them a proper education, such as they can get in some other place?—The Church Education Schools must be maintained on account of the difficulty that presented itself when we proposed to get up a National school. But we object to their going to National schools under Roman Catholic management or patronage.

3757. But Mr. Porter's school is under Protestant patronage?—If they go to schools under Protes-

tant patronage I don't object to their going to them if they like.

3758. Then, as a matter of fact, this former Erasmus Smith's school is now of no use except to give inferior education to children who have nearly all gone to the neighbouring National schools?—Well, I cannot say that. The school is there for them. It gives them a fair education for getting on in the world. They can go out respectably, and earn their bread respectably out of it. It is a parochial school, and I don't wish to close it.

3759. Could they not do that better if they got a better education in the neighbouring National schools?—Their families of course have the choice of that. If they like they can use it, but I don't wish to close my school.

3760. You said you had five Protestant orphans in your school?—Yes.

3761. Surely these children ought to be sent to the best school?—I am not going to decide that point.

3762. Dr. TRAILL.—Who decides that for them?—The Protestant Orphan Society has the management of those children.

3763. Do they never send children to National schools?—I should think they would prefer not to do so. To Roman Catholic schools they would not send them; but to Protestant National schools I dare say they would when they are available.

3764. Lord Justice FRANKLIN.—But they are available here?—There are two Protestant National schools in the town.

3765. We have seen two very good National schools under managers of your own denomination, as well as one Presbyterian and one Methodist school besides?—I would not like to send children to any denomination but that of the Church of Ireland.

3766. As a matter of fact who sends these five orphan children to your school in preference to the National schools?—They are not sent in any way that I am aware of, except that they are allocated to the parish, and they attend school and the Society mentioned their being there—they have no objection to it.

3767. Dr. TRAILL.—Who do they stay with in the parish?—With the nurse.

3768. All in the one house?—Yes.

3769. Is she a member of your own congregation?—She is.

3770. And I suppose by your directions they come to your school?—They come to my school. The children come because they happen to be located in the parish, but there was no effort ever made to take them from it.

3771. Lord Justice FRANKLIN.—Who are the parents of the remaining ten children?—They are humble people—working people.

3772. Are any of them officials of the Church?—No, they are not.

3773. Are they all residing in the immediate neighbourhood?—All reside in the parish, about a mile from the school.

3774. Lord Justice FRANKLIN.—What was the number in Carew School before the teacher went to America, do you remember?—About eleven, I think.

3775. Would you be prepared to fall in with a proposal to form a Governing Body for the primary Church schools in Brandon in which all the parishes should be represented?—It is a plan I have not thought about. I could not say that I would be opposed to it.

3776. Are you aware that the clergy in Cork proposed to divide the city into districts in order to have better schools?—I heard some remark made this morning about it, but I didn't hear it before.

3777. Dr. TRAILL.—Is there not a great loss of power in Brandon at present amongst the Protestant denominations from having the children scattered about in so many different schools?—It would be a very

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Rev. B. G.  
Fawcett.

good. And if there was a Church school for all the Church children, and not to have them wandering about all denominations.

3778. Professor DOUGHERTY.—You would not be in favour of having a united school for all the Protestants of Bandon?—Well, I prefer children being educated in their own church principles.

3779. Would you not, as a clergyman, have full access to the children to teach them their church principles?—It is very hard to get an opportunity of teaching the principles of the church among common school children; and needed in schools it is difficult to teach the children any religion.

3779a. Have you not right of access in order that they should be taught?—You have access by permission of the National Board, but you don't gain much advantage for the children, they are so absorbed with their other studies.

3780. Is there any change that could be made in the arrangements of the National Board that would enable you to join their system?—I object to education without religion. It is become completely secular that would be the only way you could get united education.

3781. We found to-day that you are teaching your children with National school books?—Yes, in secular subjects.

3782. In what respect does your secular teaching differ from that given in a National school except that it is not so good?—The secular education may be inferior.

3783. Dr. TRAILL.—But is not the religious education under the control of the clergy in a National school?—Yes, in a partial way. I dare say in a Protestant National school he can do a good deal, but not of course in a Roman Catholic school.

3784. Lord Justice FRYNGER.—What is the largest number of children that have been in this school in recent years?—We had over twenty—perhaps twenty-two or twenty-three.

3785. Do you know what the attendance was when the Erasmus Smith Board withdrew their grant?—Probably about twenty-three.

3786. Then at that time, as now, a considerable number of Church children were going to the Presbyterian and Methodist National schools?—They have been for many years going to the Presbyterian National school. It was looked upon after it came to be established as a sort of middle class school, non-parochial, and the people of the town availed themselves of it as a more respectable kind of institution for the education of their children, and as they had not a very good school in Ballymodan they were going to that school.

3787. Professor DOUGHERTY.—Has the efficiency of the education given in that school anything to do with the attendance of pupils of your own denomination?—I think a very good education is now given in Ballymodan, both for boys and girls, and they are going on still to the Presbyterian school.

3788. In the first instance they were attracted to the school apparently because it was giving an efficient education which they could not get in a school under the management of a clergyman of their own denomination?—Well, the parents may have preferred it perhaps for that reason.

3789. Dr. TRAILL.—If you had your children that are in the Presbyterian and Methodist schools you might make a good school of your own?—There is not that number of mine attending the Presbyterian school. They are not mine, I think.

3790. They are Church children, and they could go to your school as easily as they go to the other?—It is close to your church?—I beg your pardon, not close to my church.

3791. The Presbyterian National schoolhouse and the Methodist schoolhouse are both close to your church?—They are.

3792. In these schools there are twenty-two Church children in one, and fourteen in the other, who, with your own children, would give the elements of an excellent school if you gave as good an education as they get in these places?—These children do not belong to me exclusively. I think a large number of them come from Ballymodan—across the river.

3793. They have to come across the river to a school under the management of a person not of your denomination?—But there are two Church National schools, and they are going to them.

3794. Lord Justice RALPH.—I suppose they consider the teaching better?—I don't know.

3795. What is the average attendance in your school?—At present I cannot tell you the exact attendance.

3796. About what might it be?—I don't remember, in the middle of May last perhaps about eleven.

3797. Lord Justice FRYNGER.—Have you any visitor?—I visit it usually once a week for Scripture instruction.

3798. Does the curate visit it also?—He does not. He visits the other school.

3799. I suppose you are aware that in the National school you can give an hour's religious instruction daily?—You can if you please.

3800. Then in your Church Education school the religious instruction for which the children are obliged to receive an inferior secular education amounts to an hour once a week instead of once a day?—The schoolmaster instructs on hour every day.

3801. Is there any time fixed for religious instruction in your school?—The first hour of the day.

3802. Are you aware that this is the same time as in a National school?—That depends upon the patron.

3803. But you might be patron?—A patron can outbid a National school whenever he likes, either before or after secular instruction, but he cannot outbid in the secular hour.

3803a. Do you outbid your children now during secular instruction?—No.

#### WATERGATE-PLACE NATIONAL SCHOOLS.

Rev. Charles Henry Crookshank, M.A., vicar.

Rev. Charles  
Henry  
Crookshank.

3804. Lord Justice FRYNGER.—Are you the manager of the Watergate-Place National School?—I am.

3805. Is it a Methodist school?—It is. I am a Methodist minister, and the superintendent of the church.

3806. Is it in connection with the National Board?—It is.

3807. We find it stated in a former report that it had some trust funds?—Yes. Originally there was £400, £200 of which was expended on the premises, and we have at present £200.

3808. How is the £200 invested?—Locally. That is, it is invested in the hands of certain trustees of our own property, and they pay five per cent on it.

3809. Do you mean that it is lent to them?—Yes.

3810. The plot of ground where the schools are situated is held under a lease in perpetuity, subject to a rent of 28 s. 3d. t.—I think so. It is held by the trustees. There were twelve trustees. I am not sure to whom the lease was made, but the lease had to do over to the twelve trustees.

3811. Have you got a report or any statement setting forth these details?—I have written out the names

of the twelve original trustees, and have also a report of the attendance, and the way in which the school is supported—that is our own educational report for last year. (Handled in.)

3812. You have forty-nine on the roll, and an average attendance of thirty-one?—It is rather better this year—that is last year.

3813. Eighteen of those are Methodists—to what denominations do the rest belong?—They are members of the Episcopal Church, and the Presbyterian Church.

3814. Then, in point of fact, you, being a National school, have taken away the children of the Church Education school?—They have come to us.

3815. Do you give the full course of the National Board?—We do so far as the pupils are competent for it.

3816. You have one teacher and one pupil teacher?—Yes.

3817. Professor DOUGHERTY.—The Presbyterians have a school of their own in Bandon?—They have.

3818. Have you many Presbyterian pupils at your school?—Very few—they are principally Methodists.

Richard Clear, Esq., J.P., sworn.

3819. Lord Justice FRYGEMAN.—You are Treasurer of the Watergate-place National Schools?—Yes.

3820. Are you a member of the Methodist congregation?—Yes.

3821. Who are your trustees?—There are nine surviving of the twelve originally appointed. They are, the Superintendent Minister, William Robinson, John Hesse, George Gabriel, W. H. Hart, Richard Clear, Thomas Hunter, J. B. Scott, and J. S. Robinson.

3822. Are they appointed under any deed or writing?—A trust deed.

3823. Have you got the deed?—No, I have not; it is in Dublin.

3824. In whose charge?—In the charge of the Methodist Commissioned Registrar. There is a safe in Dublin in which all these documents are kept.

3825. How are new trustees appointed from time to time?—Well, I presume there will be a new deed—when the number of trustees is reduced to a certain number—a certain minimum.

3826. How is the £300 situated?—The money was expended on Methodist Church property in Bandon, the trustees agreeing to pay five per cent. upon the money.

3827. Is that a charge on the property?—It is.

3828. What is the property on which it is charged?—It is Methodist Church property. There are two dwelling-houses belonging to the Church. We pay a small rent to the Duke of Devonshire.

3829. According to this report, your school fees produced £10, and from local endowment your income was £25—what does that consist of?—Of the interest of the £300, and local subscriptions.

3830. Then there's £12 supplementary salary from the General Education Fund of the Methodist Society?—Yes.

3831. £24 10s. from the National Board and £9 2s. 6d. in results fees, making a total teacher's income of £39 12s. 6d.?—Yes.

3832. Last time in 1880 it was stated that there were eighty-six on the roll, of whom forty-four belonged to the Episcopal Church, two were Presbyterians, and forty Methodists, and an average attendance of fifty-two. To what do you attribute the falling off?—I could hardly answer that. I am here only two and a quarter years. There was a boys' as well as a girls' school, but the former was given up.

3833. You are the manager under the National Board?—Yes. I am.

3834. Have you evening classes in connection with the school?—No. The female teacher gives private tuition, but there are no classes.

3835. Professor DOUGHERTY.—And you employ the profit rent for church purposes?—Yes, quite so.

3836. Lord Justice FRYGEMAN.—What is the margin you have for security for the £300?—There is ample security.

3837. Is the five per cent. regularly paid?—Yes.

3838. I presume it is paid in the settlement of your church accounts?—It is.

3839. Do you know who holds the lease?—That, I presume, is in Dublin also.

3840. Dr. TRAMER.—What was the origin of the £300?—It was a bequest left by the late Mr. Henry Cornwall to the trustees of the Methodist Society in Bandon for educational purposes in 1864.

3841. Lord Justice FRYGEMAN.—How is the school-house held?—In perpetuity. We pay a landlord of £3 2s. 6d.

3842. Are all the trustees Methodists?—Yes.

3843. The school seems to be provided exclusively for the benefit of persons of that particular religious denomination and under the exclusive control of members of that body, therefore, though you have been doing good work in teaching children of other denominations, your endowment seems to be exempt unless with your own consent; if you wish we could save you further deeds by incorporating the governing body as we have done in the case of the Methodist College, Belfast, and the Methodist Orphan School, Dublin.

Mr. Clear.—I don't think we shall ask you.

3844. You seem to be doing very well as you are?—Quite so.

Oct. 16, 1887.  
Rev. Charles Henry Crockett.

Richard Clear, Esq., J.P.

# BALLYMODAN NATIONAL SCHOOLS, AND CURRAVARAHANE SCHOOL.

Rev. John E. Forte sworn.

3845. Lord Justice FRYGEMAN.—You are the Rector of Ballymodan parish?—Yes.

3846. In Ballymodan parish there was a school called the Curravarahane School, is that still in existence?—It is.

3847. It appears to be held under lease from Lord Bandon, and to have a site of an acre and a half—do you know in whom the property is vested?—In Lord Bandon.

3848. How is that school maintained?—By a National Board school salary supplemented by local subscriptions.

3849. How many children are attending?—About sixty.

3850. What distance is it from Bandon?—Four miles.

3851. Are the children all Protestants?—All Protestants.

3852. And it is a primary school?—Yes.

3853. Has it any other property?—None whatever except what Lord Bandon gives annually. He allows for it £45 a year at his own will.

3854. Is the schoolhouse a good one?—In perfect order.

3855. You are the manager under the National Board of the school in Bandon kept in the "Home of Industry"?—Yes, the Shannon street schoolhouse.

3856. How is that schoolhouse held?—Under a lease from Lord Shannon for a year.

3857. The building appears to be a substantial one?—Yes, very fine.

3858. It was originally built by voluntary sub-

Rev. John E. Forte.

Oct. 18, 1887.  
Rev. John R.  
Porte.

scriptions as it appears from the inscription?—Yes, in 1815.

3859. When did it cease to be used as an Industrial School or House of Industry?—I believe in 1830.

3860. Has it since been a primary school?—No, it was first an Erasmus Smith's school until I became Rector of Ballynaden, and I placed it under the National Board in 1851, when I came here, as a girl's school.

3861. How many children had you before you placed it under the National Board?—Just before I prepared to place it under the National Board I had raised the average to nine; before that it was six.

3862. What did you find to be the effect of placing it under the National Board?—The average attendance now would be about thirty-seven.

3863. So that you are entitled to a class salary?—Yes, for years past.

3864. You have a classed teacher?—Yes, one classed teacher and an assistant not under the National Board, whom we pay ourselves.

3865. How do you raise funds to pay the assistant?—The Duke of Devonshire pays the assistant.

3866. How much does he contribute?—The Duke of Devonshire contributes to the two schools £50 a year.

3867. Is that sum placed at your disposal to divide as you think proper?—Completely.

3868. Your head mistress told me she had been trained in Marlborough-street, and is first division of second class?—Yes.

3869. You teach music?—Yes.

3870. Who teaches that?—Mr. Mills, the organist of my church.

3871. Have you any advanced pupils?—Up to the sixth. We don't go beyond the National Board programme.

3872. The building would accommodate a larger number of children—do you think it would be difficult to bring the schools more together in Bandon?—We could not join the present schools. With the number of pupils at 130 or 150 in all, I am had an idea of doing it, but on considering the matter, and consulting about it, we came to the conclusion that it would be far better to keep them apart, and the result has justified it because the school has gone up in the average attendance from six, and it is never less than thirty.

3873. What is the average attendance—we found forty-four in attendance to-day?—The attendance is 40-7 for the last month.

3874. Do you find any difficulty in giving religious instruction, being under the National Board?—None whatever, very much the reverse.

3875. Can you give us any idea of how many children you have drawn away from other schools by having yours a National Board school?—The difference in the girls' school is very marked. We draw from Bandon and from Deserthorps parish, and we have also children from Insishannon.

3876. We are told that some of the children come distances to the school?—Not so the girls' school. Some of the boys come seven miles. They have to drive every day to school.

3877. Now as to the boys' school, what qualifications has your master?—First of second class. He is likewise an A.B. of Trinity College—respondent at the degree examination.

3878. Then he is able to give advanced education?—Yes, and does.

3879. How is the building held?—It was bought some years ago from the Primitive Methodist Body.

It was formerly a Primitive Methodist Meetinghouse, and was bought entirely by local contributions.

3880. How are the trustees appointed?—The trustees were appointed at the time it was bought. I don't know who they are except that two of them were appointed by the Select Vestry.

3881. Dr. TRAILL.—Were the subscriptions entirely church subscriptions?—Purely.

3882. Lord Justice FRYGEMAN.—In cases such as yours where we have found schools well managed, we have incorporated a governing body to hold the property. Is there any objection to that being done in your case?—Of course exclusively a church body.

3883. Certainly?—I should think no objection whatsoever.

3884. Who are the trustees at present?—The Earl of Bandon, Mr. Moriarty, and, I presume, myself—the rector for the time being, Mr. Lushow Hewitt and Major Poole.

3885. Then you have four laymen and the clergyman of the parish as the trustees?—Yes.

3886. Some of your boys come from a distance?—Yes, some come from a long distance to reside in the town in order to attend school. Some come from villages nine miles away to live in the town for that purpose.

3887. What provision for education is there in the parish of Deserthorps?—In Deserthorps they have only Church Education Schools.

3888. And they come away from the Church Education Schools to go to yours?—Undoubtedly.

3889. Are there many Church Education Society Schools of that class in this neighbourhood?—Yes, there are a considerable number. They are dying away rapidly—very rapidly.

3890. Do you apprehend that if they were converted into National Schools they would take the children back again from you?—Of course I would not object. It would be quite right if they did and I am sure they would. I am sure that if there was a National School at Deserthorps, it would reduce my numbers at Carravinnane from sixty to thirty perhaps.

3891. Then half of your children are refugees from Church Education Schools?—Fully one-half.

3892. Professor DOUGHERTY.—Does the Diocesan inspector visit your schools?—Yes, all my schools.

3893. Lord Justice FRYGEMAN.—How do your schools stand with regard to religious instruction?—The answer is a very simple one. At the late Diocesan examinations we took second place, and we got eight first prizes in religious instruction. There was only one school in the whole diocese that came up to us.

3894. Was it a National School?—Yes, two of the National Schools, because it was from the parish and not from the school that the children were counted.

3895. What salary do you pay your master?—Half of the teachers has the same, £15 a year, as a stipend to their National Board salary—they have got school fees and free residences besides.

3896. How are the residences held?—There is a free residence in Shannon-street, and a free residence in Carravinnane, and Lord Bandon has given us a house for school purposes which is a residence for the master on Cavendish-quay. I, as manager, pay one-half the rent, and the Board pay the other half.

3897. You are only tenants?—Yes, but we have an interest in the house. We borrowed the full price of the house—and it is on that we pay the rent. We have an interest in the house of the value of £300, and the remaining amount of money is contributed by the parish.

Paul S. Dodgins, B.A., sworn.

OCT. 16, 1887.

Paul S. Dodgins, B.A.

3892. Lord Justice FRYGROVE.—How long have you been master of the Shannon-street school?—Since before the school was placed under the National Board on March 1, 1886.

3893. Where did you receive your training?—In Kildare-place under the Church Education Society.

3894. When you went under the National Board—were you obliged to qualify?—Yes.

3895. What class did you take?—I first got a supplementary class as second of third, then I stood an examination and was regularly classified and afterwards took each of the other classes by examination.

3896. What class have you now reached?—First of second. I have been recommended for first class by the Inspector for next year's examination.

3897. What course of education do you give in the school beyond the National School programme?—I teach elementary classics and French.

3898. You have taken a degree in Trinity College?—Yes.

3899. Did you take that since you came to London?—Yes, while I have been teaching here—by examination.

3900. Of course you had to go to Dublin for examination?—Yes.

3901. What amount of emolument are you able to derive from the school—you first got your class salary—how much is that?—£44.

3902. How much do the results fees come to?—£24 5s.

3903. That appears to be very large for your numbers?—Yes.

3904. You have a subvention of £15?—Yes.

3905. And do you get school fees also?—Yes.

3906. How much were your school fees last year?—For the last results period they amounted to £45.

3907. What is the results period?—Ending the 31st of March last year, they were £30 18s. 4d., and this year they are considerably larger.

3908. Are all your children paying fees?—Nearly all. There are a few of the poorer children to whom I don't charge fees.

3909. Is your school open to children who don't pay fees?—Certainly.

3910. When you give instruction in extra subjects beyond the National Board programme do you charge for these?—Certainly, 18s. a quarter for extra subjects Latin, French, and Greek.

3911. How many pupils have you learning Latin and Greek?—About sixteen. Some learn Latin, some Greek, and some French.

3912. Do you teach any of your pupils more advanced mathematics?—Yes, just to prepare for the Royal University course.

3913. Do you send boys up direct to the Royal University?—I had one at the last matriculation examination held a week ago.

3914. Dr. TRAILL.—By how much does the remuneration for the extra subjects increase your pay?—Very considerably, because the first year my school fees amounted to only £10 14s., then they went up to £17 in the next year, and then to £24.

3915. Take last year when the school fees amounted to £36, how much did you realize by the extra subjects?—I should say about £20.

3916. So that you have in all about £140 a year and your residence?—Yes, something like that.

3917. Professor DODGINS.—You seem to compete to some extent with the endowed school in the way of

intermediate education?—Yes, there is slight competition between the schools.

3918. I suppose pupils are attracted to your classes because your fees are much lower than those charged in the Endowed School?—I dare say that has something to do with it.

3919. To what class do these children belong?—Some of them are of the more respectable farming class, and some of them are of the gentry, for instance, one of the bank manager's children attends my school.

3920. Lord Justice FRYGROVE.—When are classes taught?—In the morning before the ordinary secular instruction commences. The pupils recite and form part of the ordinary day school, and then there are evening classes.

3921. How many hours a day does the extra instruction take?—From nine to ten each morning. In the evening I give a few hours extra instruction in physical geography, and higher mathematics.

3922. Have you sent pupils to the Intermediate Examinations?—Not yet. I have formed a class.

3923. To what are these pupils looking forward?—A good many intend to enter college or the professions. Some will enter business, and some might compete at the Civil Service Examinations for the Exchequer.

3924. Do you undertake to prepare for the entrance examination at Trinity College, and for the matriculation examination of the Royal University?—Yes, some of my boys have entered.

3925. Did any of them distinguish themselves?—Not particularly. They got fair places.

3926. How many did you send to Trinity College?—Two, one I did not send direct, the other entered directly from my school.

3927. Professor DODGINS.—Where did the other go to from your school?—To Mr. Courtenay's.

3928. Lord Justice FRYGROVE.—Then your school answers as a preparatory school for the other?—Yes.

3929. Do many boys go from your school to Mr. Courtenay?—Not many—perhaps three or four.

3930. Do you think the Endowed School could be advantageously worked with your school, and that the good primary schools could not as feeders for the Endowed School?—Yes, I dare say that would be a very good arrangement.

3931. I think you said some of your boys come from a distance?—Yes, some come twelve miles, from Ballinacree, Courtmasherry, and other outlying districts.

3932. How do they come?—Those who come from Ballinacree come by train, the Courtmasherry boys stay here and take lodgings in the town.

3933. Is there no school in Courtmasherry under Protestant management?—There is a very good Church Education school there.

3934. And in Ballinacree?—There is a National school there.

3935. Then your school occupies a higher position than those you mention?—Those boys who come that distance generally come to get higher education, to be taught elementary classics and so on.

3936. Professor DODGINS.—How far do you carry your boys in classics?—The highest course we have gone is the Royal University matriculation examination.

3937. Do you teach Latin composition?—Yes.

3938. Do you teach Greek composition?—Not Greek composition.

3939. Dr. TRAILL.—How many boys have you in the school learning Greek?—Four at present.

Miss Alice Bailey sworn.

Oct. 25, 1897.

Miss Alice  
Bailey.

3940. Lord Justice FRYER.—How long have you been at the head of the Rathfriland Female School?—I came here in January, 1882. It was not under the National Board until August 1, 1883.

3941. When you joined the National Board did you classify?—I was a class teacher. I came direct from Marlborough-street.

3942. Were you trained for one or two years?—I came in the middle of the second year.

3943. You have £15 from Lord Randon?—Yes.

3944. How much is your class salary?—£34 10s.

3945. And the results fees?—£17 12s.

3946. And the school fees?—From £10 to £12 a year.

3947. What do your children pay?—They are paying now more than they did, for they are paying according to the class, 3s. up to 7s. 6d. per quarter, in the 6th class.

3948. How many free children have you?—Only three or four who are unable to pay.

3949. Are you required to take free children who are unable to pay?—I take them voluntarily.

3950. Are you prepared to take free any number who are really unable to pay?—Yes.

3951. How far do you go in the National Board programme?—To the sixth class.

3952. How many have you in the sixth class?—Five.

3953. In the fifth?—Thirteen.

3954. At what age do your children leave you?—From fifteen to seventeen.

3955. Do you give any tuition beyond the National Board programme?—Only in physical geography.

3956. Do you teach that yourself?—Yes.

3957. Is there any provision in Randon for teaching girls French?—Yes, there are several private ladies' schools in which French is taught.

3958. What is the number on your roll at present?—Sixty.

3959. And your average attendance?—For the last quarter 50.5, for the month 49.7.

3960. Since you came here you ever fallen below thirty-five, which is the number necessary for a class salary?—Never since I came.

3961. How many children were in the school when you came first?—There were twenty-two, I think, the week I came.

3962. That was before it was placed under the National Board?—Yes.

3963. What religious instruction is given in your school?—An hour every Monday morning, and half an hour every other morning in the week. Mr. Potts gives it on Monday mornings with me, and I give it myself on other mornings.

3964. Do all your children belong to your own denomination?—Yes, every one.

3965. From what distance do they come to you?—I have some from Rathfriland—that is about two or three miles. I have had them from Drogheda, they came and they got finished with me. I have none at present.

3966. Rev. Mr. Fawcett.—I wish not to assign any motive for the attendance of the children of the town at the Rathfriland Presbyterian National School. I did say that it was looked upon as a sort of upper class school, different from the parochial school, but as I am not sure of the motives of parents, I wish to withdraw that statement, and not to attribute any motive whatever for their sending them there—only that they did so from the outset. It was a favourite school from the time it was opened.

3967. Lord Justice FRYER (to Mr. Moriarty).—Would there be any difficulty in vesting the property of these schools in a representative local committee?—I am not prepared to say, because I think it is very well managed as it is.

3968. I was speaking only of the title to the property, because the management of these schools seems to be very good indeed.

Rev. Mr. Potts.—I may mention—on account of something you said about the amalgamation of the schools—the National Board Inspector said to me on more than one occasion—and, I believe, wrote to me—that the girls' school in our parish, of which Miss Boly is the mistress, was the very best in his district—that it is just as well if there is any idea of amalgamation that that should be considered.

#### INNOSHANNON PAROCHIAL SCHOOL (LATE ERASMUS SMITH'S).

Rev. William Haskins sworn.

Rev. William  
Haskins.

3970. Lord Justice FRYER.—There seems to have been a grant to the school in your parish of Innoshannon from the Erasmus Smith Board at one time?—Yes; it was withdrawn three years ago.

3971. What is the present condition of the school?—It is under the National Board.

3972. What is the attendance?—The average attendance is thirty-five.

3973. You are able to get a class salary?—We are.

3974. Lord Justice NAULT.—What amount do you get from the Erasmus Smith Board?—£25 a year, and a gratuity of £5.

3975. At that time was the school under the National Board?—No.

3976. How much do you get from the National Board?—We get a class salary, £44, and result fees, £9 to £11.

3977. Then you are better off than when you got the Erasmus Smith grant?—Far better off.

3978. How is your schoolhouse held?—It stands on two separate plots of ground—one is assigned to me, and the other is leased to me.

3979. Formerly the schoolhouse and two outhouses was reported to be held at £5 a year. Is that rent still payable?—It is not; it is a new schoolhouse.

3980. What has become of the old one?—It has been altered to a coach-house to my globe house.

3981. That is the Erasmus Smith schoolhouse?—Yes.

3982. Was it surrendered when the Erasmus Smith grant was withdrawn?—It fell into disrepair.

3983. Dr. TRAILL.—Was it built upon church property?—No.

3984. How did it come to be made part of the globe?—There was an empty site which they didn't take for the globe until within the last few years.

3985. Lord Justice FRYER.—Is there anything further you wish to tell us?

## ADDERLEY CHARTER SCHOOL, INNOSHANNON (INCORPORATED SOCIETY).

Oct. 18, 1887.

Rev. William Hudson.

Witness.—I find from *heaveny*, and also from Smith's History of Cork, that about 1779 a grant of two acres of land was made by the then landowner of the place, Mr. Adderley, for the purpose of partly endowing a Charter school on the site. The Charter school flourished for a very long time, but about forty years ago it disappeared. I cannot say why, and the Incorporated Society at that time held the two acres of land, and let the site for building a private residence thereon, and they received a rent of £11 14s. a year for that. My object in coming before you to-day was that I think this is in justice due to the parish of Innoshannon for educational purposes.

2911. Who is in possession of it now?—The Incorporated Society.

2912. Have they a school there?—No, none whatever; and they give no help, though they get the rent out of it—£11 14s.

2913. Dr. TRAILL.—How did they get hold of it?—I cannot say.

2914. Do they make any grant to your school?—No.

2915. Professor DOUGHERTY.—According to the report of 1838 they made originally a grant to the school at Innoshannon?—That may be, but that was before my time, and I cannot say.

2916. When the grant was made I suppose it was on the ground that the Society had this property belonging to the school?—I suppose it was. I wrote to the secretary, Mr. Hackett, some years ago, asking him to consider our case, and I got a polite but evasive reply.

2917. What has become of the remaining land?—I cannot say, but I have heard it was lost, that it has gone back to the landlord for a great many years.

2918. Lord Justice FRANKLIN.—Your claim is against the Incorporated Society in respect of those two acres of land?—Yes.

2919. What became of their £30 a year subscription?—That disappeared.

4000. Has Mr. Adderley any property near the neighbourhood still?—No. His successor is Mr. Frewen, and my parish being purely a rural parish, and everybody's income being derived out of land, we feel very severely the present depression, and any funds we can be shown to be justly entitled to of course we would be very glad to receive. I thought as I was in a measure interested in the parish, and very much interested in the education of the young, I would come and state this case.

4001. We have taken evidence in Dublin with regard to the general property of the Incorporated Society, and in localities we have gone to we have taken evidence as regards local claims. In settling a scheme for the management of this property we shall be obliged to look into the title?—I received a letter from Mr. Hackett in reply to one about buying the house, and converting it into a globe house, but the negotiations fell through.

4002. Did you apply for a grant or aid from the

Society?—Yes, I did; but I received an evasive answer.

4003. Were you aware that they had formerly been in the habit of making grants?—I didn't know. I have only held the incumbency for about eight years.

4004. Lord Justice FRANKLIN.—We have taken a good deal of evidence to-day, and learned a good deal, by inspection, of these endowments in London. With regard to the endowed school, which has a house and a rectory from the Duke of Devonshire, the Protestant denominations of this place should unite in taking an interest in that school, so has been done with great effect in other places; they should join together to form a local committee, who would by attracting pupils, as well as by contributing to the school, increase the numbers in attendance. We will endeavour to give effect to any suggestions in that direction from the inhabitants. A practical way to deal with the matter would be, as was done in Monaghan, for the clergy interested in Intermediate education to call a public meeting of their various congregations, and to appoint someone to represent them. As regards the primary schools, there are very many of them; the Methodist School, the Presbyterian School, two separate Church schools in the parish at one side of the river, and a small school at the other. The provision for education in these different schools is very various. As regards those in the parish of Ballymaclon it would certainly seem to be for the advantage of the people who are working them so well that their property should be put into a permanent and satisfactory condition by being vested in a parochial incorporated body for its government. We have done that in other cases, not only for Church congregations, but for Presbyterian and other congregations, and we will propose a draft scheme which will be sent down in due time to the people interested, and if they have any suggestions to make we will consider them before it is finally signed. Certainly, it would appear to us, from what we have seen and heard today, that the great number of these primary schools in London is an injury. We cannot deal with the Methodist School without consent, because it is a denominational endowment, and it seems to be well administered. We should desire to make the Ballymaclon schools and the Endowed School, representative schools, which would be supported by local people, who could make the latter a higher school, where children could be received from the other schools of the town. There does not appear to be any property in the Killybegs School which could be treated usefully as an endowment, and very probably its destiny has been described by the clergymen who spoke of such schools as dying out. If the Duke of Devonshire's £30 was given to one of the better schools that would probably put an end to the question.

The Inquiry terminated.

OCT. 12, 1887.

## PUBLIC SITTING—WEDNESDAY, OCTOBER 19, 1887.

At the Town Hall, Kinsale.

Present:—The Right Hon. Lord Justice FRYZINGHOE, and the Right Hon. Lord Justice NAIRN, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., D.S., ANTHONY TRAILL, Esq., M.D., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, Junr., was in attendance.

## KINSALE ENDOWED SCHOOL.

Mr. Thomas Hogan, Chairman of Town Commissioners, sworn.

Mr. Thomas Hogan.

4005. Lord Justice FRYZINGHOE.—You are Chairman of the Town Commissioners of Kinsale?—I am.

4006. Do you know where the property is that was originally assigned to the Corporation of Kinsale as a schoolhouse?—I do.

4007. How is it occupied now?—It is entirely in ruins—only the wall standing.

4008. What quantity of land is there?—About an acre.

4009. Is it of any value?—It is. The garden is let. 4010. Where is it situated?—In "the World's End" at the lower part of the town, in Lower Fishers-street.

4011. To whom is the garden let?—To a man named Savage.

4012. By whom?—By the Commissioners.

4013. Then the Commissioners own it?—Yes.

4014. There is also a money endowment?—£30 a year.

4015. Dr. TRAILL.—How much is the garden set for?

Mr. Eugene Murphy, r.o.—I think £5.

4016. Lord Justice FRYZINGHOE.—Under what tenure?—By the mouth.

4017. Rev. Dr. MOLLOY.—What has been done with the money?—It is given along with the endowment money.

4018. Lord Justice FRYZINGHOE.—The money endowment is stated to be a rent-charge on some lands

of Balmuccia?—Yes; Mr. Cramer pays the money regularly every year.

4019. What have you been doing with it?—It is lodged in bank on deposit since the last time the Commissioners were down. We were told by the Commissioners to lodge it in bank, and then as the school was falling down we had to lay out one year's salary on taking down the building. It was dangerous.

4020. What amount of money is in bank now?

Mr. Eugene Murphy, r.o.—£239 5s. 6d.

4021. Is that invested?

Mr. Hogan.—No, it is lodged in bank on deposit account of the Town Commissioners.

Mr. Eugene Murphy, r.o.—To a special account.

4022. Have you any suggestion to make as to how this endowment could be made useful?

Mr. Hogan.—Casson Cotton went to the Commissioners to get a lease of it for a National school, and the Commissioners are satisfied to give it. Here is the letter of Casson Cotton to the Commissioners, and the Commissioners reply.

4023. Lord Justice FRYZINGHOE.—We have got a letter from him of 10th October, and also a memorial on behalf of the Protestant inhabitants of Kinsale, from the Rev. J. L. Durling.

4024. Have you among your Town Commissioners' papers any copy of the document under which the place was founded?—Search was made for it, but they could not find it. Mr. O'Neill can tell you about it better than I.

James O'Neill, r.o., sworn.

James O'Neill, r.o.

4025. Lord Justice FRYZINGHOE.—Are you one of the Town Commissioners?—Yes.

4026. How are the premises let at present?—The premises were derelict for a very considerable time, and the Commissioners came to the conclusion that it would be better to accept whatever reasonable offer they could get. For a considerable period the place didn't let, but eventually it was occupied by a man who made a very good fruit and vegetable garden of it. The party who had it for that purpose gave it up and it is now let as a kind of accommodation ground for cattle.

4027. At what rent?—£7 a year.

4028. Rev. Dr. MOLLOY.—We heard before that it was let for £2 or £2 10s. a year?—£5 is the correct amount, and I don't think it was ever let for less. The whole of the premises are let to one person.

4029. Dr. TRAILL.—What is the name of the tenant?—John Savage.

4030. He is a tenant from month to month?—Yes. The building is in ruins. The walls are still standing but they are very dilapidated.

4031. What is the quantity of land?—Almost an acre.

4032. Rev. Dr. MOLLOY.—It is not so very bad to

get £7 a year for one acre of land?—It is not, it is a convenience, it is in the town.

4033. Lord Justice FRYZINGHOE.—From its position would it be better to let it at £7 a year, or to try to make it a site for a school?—I would be in favour of making it a site for a school, if possible.

4034. Is it a suitable site?—Most suitable. Five healthy premises could be made there, with a fine healthy playground. This ground, which is now let, was formerly the playground of the school, and beautifully laid out.

4035. It was Lord De Clifford's mansion house, stable, coach-house, and garden, according to the deed of foundation 120 years ago?—I remember, myself, when the premises were in a very fine state of preservation; they were repaired ten or twelve years ago and a teacher put into them.

4036. Professor DOUGHERTY.—Who repaired them at that date?—The Town Commissioners got it repaired themselves.

4037. When did the Town Commissioners come to spend anything on repairs?—I should say, perhaps, about ten years ago.

4038. Dr. TRAILL.—When did the Town Commissioners first get hold of them?—When they succeeded the old Corporation in 1856.

\* Appendix B, No. XVI. (6), p. 532.

† Appendix B, No. XVI. (3), p. 532.

‡ Appendix B, No. XVI. (5), p. 532.

4038a. When did they first exercise any jurisdiction?—I think about 1874.

4039. Lord Justice FRANKLIN.—Mr. Purdie died in 1873, and after that didn't the Town Commissioners appoint another schoolmaster?

Mr. Hogan.—Yes.

4040. He was a Roman Catholic?—Yes, he was.

4041. The report of 1880 states that the school had become very small when Mr. Hogan came?—I think so.

4042. When did he give it up?—Mr. Hogan remained here two years, and then he decided that the resources were not sufficient to maintain it, and he had to leave.

4043. The resources were the same then that they always were?—It seems to me that he thought only a high standard of education was necessary, and we hadn't sufficient pupils in our neighbourhood to maintain the school. He was a classical teacher—he didn't teach the lower grades.

4044. Professor DOUGHERTY.—Why did you cease to maintain the building in good repair?—The building was then very old, and it was very hard to maintain it. It was falling bit by bit, and the flooring inside was bad.

4045. You had an income of nearly £40 a year available for repairs when you had no schoolmaster to pay?—I think myself that what money we derive from the endowment would hardly keep the concern; whereas, what is there now would really make it a very house.

4046. Was it in Mr. Hogan's time the buildings were pulled down?—Immediately after his leaving they were pulled down by the Town Commissioners. When Mr. Purdie, who was a Protestant, was there, no Catholic went to the school, and when Mr. Hogan was got, Protestants would not go.

4047. How many pupils had Mr. Purdie?

Mr. F. H. BIRD.—I think he had fifty.

4048. Can you tell us whether the first three years of the annuity which before the last report were carried into your general fund have been since lodged in the bank?—Where?—I don't think so. The clerk in-

formed me that the annuity of one year had been appropriated by the Town Commissioners for general purposes, and I think it is lying still in that way, or rather I should say they are indebted to this fund in that amount.

4049. The statement in the last Report was that "Mr. Hogan was paid up to September, 1873, and for three years the money had gone into the common fund, and was locked upon as part of the Corporate property." Have you got a Borough Fund sufficient to pay the three years' annuity that remained over?—The Town Commissioners in a perfectly healthy financial condition—they will be glad enough for that amount, never less.

4050. Is there a Borough Fund and a Corporate estate?—Yes.

4051. Rev. Dr. MOLLOY.—Who appointed Mr. Hogan?—The Town Commissioners.

4052. Professor DOUGHERTY.—Was that the first appointment the Town Commissioners made?—I believe it was.

4053. Rev. Dr. MOLLOY.—How did they get the appointment?—I don't know; the premises were vested in the Town Commissioners as the successors of the old Corporation. They had power to appoint a teacher, and their successors presumed they had power to appoint a teacher too.

4054. Who appointed the previous master?—I should say the old Corporation; but that was before my recollection.

4055. Professor DOUGHERTY.—I see by the Report of 1837 that the right of appointment was vested by the grantor in the representatives of Edward Southwell. According to the deed you would not have the right of appointment?—I could not tell you.

4056. Are the Southwell family or Lord de Clifford's family still represented by any property in Kinsale?—I am not aware that they hold any property. I think it has passed all away into other hands.

Lord Justice FRANKLIN.—We have got two applications, one on each side; each asking for the whole of this endowment. Perhaps we had better take the evidence of each.

#### Very Rev. John James Cotter, P.P.

4057. Lord Justice FRANKLIN.—We should like to learn from you what provision you have in Kinsale for teaching, and also how you would propose to utilize this endowment for anything like classical education. Evidently it was intended for something better than a primary school?—I would propose a school somewhat like the best National Schools in the country, where boys would be prepared for the competitive examinations which open up to young lads of talent, positions in the Customs, the Excise, and other departments of the Civil Service. This is done in the ordinary National Schools when conducted by skilled and trained teachers. I find the schools here at the lowest ebb. The teachers are only of third-class. I hope to be able to get a new school, which shall possess the best qualities of the first schools in the country with a first-class head teacher, and as near as possible as the attendance may require. In fact, I would have a school where classics would be taught, and boys prepared for the Intermediate and Civil Service Examinations—a school conducted under the rules of the National Board, and visited by their Inspectors, which would be a guarantee for the efficiency of the teaching, and that the school would be open to all classes of the community. I think such a school would meet the wants of the area, and a school of this kind I hope to have whether I get this

ground and endowment or no. This little endowment of itself is not sufficient to secure the services of a first-class teacher, but it would be a great help. These are my views on the matter. As for special evidence I have none to offer, except that during the couple of months I have been connected with Kinsale, I have heard that the need of better education has been keenly and widely felt in Kinsale for a long time, and in consequence, parents have been obliged to send their children daily into Cork for education which ought to be available at home. Others have had to send their boys to boarding schools away from home at a cost, which they can ill afford in these depressed times. Conscious of the want of an efficient first-class school in the town, I am anxious to remove that want, and to do so in the most satisfactory manner.

4058. You don't think it possible to maintain an Intermediate school in Kinsale by the aid of this endowment?—I don't think it is possible, it is too small, and the very fact that hitherto all attempts to maintain that school even with its former prestige have failed, shows that it is hopeless to try it again.

4059. You are aware that this was an endowment, the object of which was to improve the existing education at the time?—Then the times were different to

Very Rev.  
John James  
Cotter, P.P.

Oct. 12, 1887.  
—  
Very Rev.  
John Cusack  
Cotter, P.P.

the present—it was a grammar school, but I am not proposing to revive exactly that class of institution.  
4060. Lord Justice NAUGHTON.—We wish to take evidence as to the existing state of education in Kinsale,

and you would probably be the most fit person to give it?—As regards the title I know I shall be very happy.

Very Rev. John Cusack Cotter, P.P., sworn.

Very Rev.  
John Cusack  
Cotter, P.P.

4061. Lord Justice NAUGHTON.—You are the parish priest of Kinsale?—Yes.

4062. How long have you held that appointment?—My appointment took place on the 7th of August, but I have been here only a month.

4063. What schools are there at present for Catholic education in the town?—For girls there are excellent National Schools conducted by nuns. The Carmelite Priests teach classics to some boys. I have two National Schools for the education of boys. It is one house with two separate rooms, which count as two separate schools.

4064. How many boys have you in these schools?—At present the attendance is not satisfactory, about 50 in the one and 70 or 80 in the other.

4065. Is there any money available for carrying on these schools except the grant from the National Board?—None, except the ordinary fees, and in one of the schools scarcely any fee are received, for the children are of the poorest class.

4066. How do you hold the school premises?—By lease, at a rent of £5 per annum.

4067. Is there any intermediate school in Kinsale?—The Carmelite Priests have a classical school, so has Mr. Deansly. They may, perhaps, be called intermediate.

4068. Which is the nearest?—I think Cork would be the nearest.

4069. You mentioned that some boys go from Kinsale into Cork for education?—I have heard that they go to Cork, Dublin, Tyrone, for such education as they would receive at home if there were schools in Kinsale of a sufficiently high character.

4070. Rev. Dr. MOLLON.—Do they go to Cork as day boys?—Yes, they go by train every morning.

4071. What sort of accommodation have you got in your present school?—As regards the building, the schools are in the centre of the premises belonging to the convent, and it is a great disadvantage. As regards the size, each room is 47 by 2½ feet. Both would give accommodation to 300 children, but they are situated in a position which makes it most desirable for me to get other premises—to have a new school, and then to get a new staff of teachers, or to get a new staff of teachers, and commence without the disadvantage which attaches to schools that have not been of a sufficiently high character.

4072. Lord Justice FITZGERALD.—If we came to the conclusion that this endowment was intended for higher education than that given in a National school, and if the premises were set apart for a National school, what rent would you consider it fair to put upon them. In other words what would you be prepared to pay for them for the purposes of your National school?—As the premises were given for the purposes of the community, and as it is for that object that I would require the ground, I don't think it would be at all in accordance with the spirit of the founder of this endowment to put a rent upon it.

4073. If a rent was put upon these premises, that rent would be part of an endowment for intermediate education. As part of that endowment how much do you think that plot of ground is worth?—As I don't contemplate having a separate school for intermediate education I have not considered the value of this ground, nor would I accept the ground on such a condition. My proposal is to have a first class National school, and not anything that would be called a separate intermediate school.

4074. Dr. TRAVERS.—Would it be worth the £7 a

year that the tenant pays at present?—I ask for ground with a view to educating the youth of the town, and I don't think I should be taxed for the use of the ground, if I use it for the purpose for which it was granted.

4075. And the purpose for which this endowment was granted was?—A grammar school.

4076. Though you propose to use it for a National school, you also propose to separate the primary education from the higher education, and to make the latter suitable to the wants of the inhabitants of Kinsale?—Yes.

4077. Lord Justice FITZGERALD.—We found at Beaulieu a National school teacher, under a Protestant manager, who was teaching classics, and was qualified to supply a considerable want in that way—that is, as I understand, what you propose?—Exactly. And, moreover, I propose having navigation taught—a thing much required in every community situated as the people of Kinsale are. That is a subject that could be taught in a National school, and would come within the scope of a grammar school, and, I think, the programme in my school would comprise all that could be contemplated by the founder of this grant.

4078. Rev. Dr. MOLLON.—Is it part of your plan to close one of your existing schools if you get the means of establishing the school you have described?—My plan would be, if I got a site, to build large premises quite sufficient for all the wants of the Catholic population, or any others who might wish to come to the school, and then to hand over to the mass of courses for a consideration, the premises which I hold at present, so the schools are little less than a nuisance to the community within whose grounds they stand; and, moreover, on account of their position they are not so desirable for the purpose of a one school. I wish to get rid of them for a consideration, and build new schools.

4079. What is the number of the Roman Catholic population in Kinsale?—About five-sixths of the whole population—say about 4,000.

4080. Why do you want to take the school premises away from the convent?—The schools are surrounded by the convent premises—you may see them by and by, and I believe you will find that they are a nuisance to the religious community—moreover, being within their premises, they are not so approachable, nor so desirable as schools for boys as I would wish. The nuns would give me a consideration for giving up these schools, and if I can provide, as I hope, a suitable site, I will erect large schools in which I shall have a first-class education for the people of the town.

4081. The nuns have a girls' school?—A very large school.

4082. How would they use those rooms which you say will accommodate 300 children?—They would use them for some of the purposes for which their institute is intended. A house of refuge is as important one of those. They had to build last year an additional story to their schools, so large the attendance of pupils.

4083. In whom are your schools vested?—In trustees. I have their names.

4084. Are they the same trustees as the trustees of the convent?—No, they are separate trustees.

4085. Then the building is not on the property of the convent?—It is not on convent property. They have no control over it, but it is within their premises.

4086. It is in fact surrounded by the property of the nuns, but is not on their premises?—Not on their

premises—within their premises—being bounded on three sides by convent ground, and on the fourth by the street.

4087. Lord Justice NASH.—There is no Christian Brothers' school in Kinsale?—No.

Oct. 18, 1887.  
Tory Rev.  
John O'Shea  
Clerk, R.C.

Rev. J. L. Durling, M.A., sworn.

4088. Lord Justice FRINGEMAN.—You are the incumbent of Kinsale?—I am.

4089. How long have you held that position?—Since July, 1881.

4090. What is the Protestant population of Kinsale?—I can only speak for my own parish. I have about 500, and I suppose there are 50 Wesleyans at least. That is only one part of the town. I have nothing to do with the parish of Rincurran which embraces a small portion of the town along the quay, the barracks, and all in that neighbourhood, and Spinnacree—all form part of the parish of Rincurran.

4091. Who is the incumbent of Rincurran?—The Rev. Robert H. Meade.

4092. What school have you under Protestant management in the town?—I speak again for my own part—there is an infant school, and I have a parochial school. It is held in a parochial hall called the Fisherman's Hall. I have no school building, but I have a mistress, and all I am able to raise to pay this mistress is about £45, and I raise that with great difficulty.

4093. Is your school attended by the children, and assisted by the members of your own church?—Yes, it has been always.

4094. Is there any other school under Protestant management in Kinsale?—No other school in the town of Kinsale than those I mention.

4095. Is your infant school in connection with the National Board?—No, it is a private school practically under a committee of ladies.

4096. Is the school held in the Fisherman's Hall in connection with the National Board?—It is not. In fact the lease under which we hold the premises forbids our having a National school on the premises.

4097. Do you hold the premises on lease?—Yes.

4098. From whom?—Mr. Durman.

4099. How long is the lease made?—I cannot say. There is one of the trustees present, and perhaps he can answer that question.

4100. What is your attendance in those two schools taken together?—The average attendance is at present about sixty or seventy.

4101. Why are not these schools in connection with the National Board?—Because neither of them can be placed in connection with the National Board as long as they are held in the present buildings. The trustees of the infant school would not approve of placing it in connection with the Board, and my present school is under the charge of the vestry of Kinsale Church, and they are quite willing to get it under the Board if the building was suitable.

4102. Is the building suitable?—It is a parochial hall meant for religious meetings. It is not a school-house at all, and it is not suitable for a school-house; and there is a clause in the lease which forbids our holding any National school in it. The consequence is I cannot have a National school unless I can get a building or a site on which to build.

4103. I thought I saw a statement to the effect that you rented a house for a school?—That was before my time. The Rev. Mr. Deunt, my predecessor, can give you information about that.

4104. Rev. Dr. MOLLOY.—Was that closed before you arrived?—Yes.

4105. Why was it closed?—I do not know all the circumstances. I have nothing but hearsay, but Mr. Deunt is present, who will be able to give you accurate information.

4106. Lord Justice FRINGEMAN.—Did you think

of looking for a building grant from the National Board?—We did, but for some reason or other I have not been able to find a site that would be suitable. They have been inquiring long before my time, and Mr. Deunt was beating about Kinsale for long enough everywhere to find a suitable site and he did not succeed.

4107. Is there any spare church ground?—There is not. I have had five vestry meetings to try and find a suitable site to erect a building for school purposes. When I failed I tried to get a grant from the Roman Catholic Board, but they declined to give me one. I have been, I may say, struggling under great disadvantages to keep the school going. Some of my young people are going to Cork for their education.

4108. Rev. Dr. MOLLOY.—How many are going to Cork?—I know five at least.

4109. Professor DOUGHERTY.—Are they going to a National school in Cork?—I don't know where they are going.

4110. But they go in and out every day?—Yes, by train.

4111. Lord Justice FRINGEMAN.—What provision is there for obtaining anything better than a National Board education in Kinsale?—There is only a private school that any of my boys would go to.

4112. Are those boys who are going to Cork of the Intermediate age—are they over fourteen?—Yes, they are about that age or older. Most of them are older. There is a private school kept by Mr. Donnelly, who teaches classics, he has been successful with some of his pupils, but parents will not be always satisfied with the teaching of a master, and the consequence is that some parents don't send their pupils there.

4113. Professor DOUGHERTY.—I suppose those boys going into Cork would go to an Intermediate school in Kinsale if there was one?—I feel perfectly certain of it.

4114. Is Mr. Donnelly's a private school?—Yes. He is a Protestant, but there is no religious element of any kind about the school.

4115. The boys are supposed to be provided at home with spiritual instruction?—The school is for any one of any religious denomination who will send children to it. It is a private school for which he charges certain fees on his own responsibility, and there are children of both denominations who go there, and their parents think they get a proper education.

4116. Do you think that there is any substantial demand for Intermediate education in Kinsale?—I don't think there is a sufficient number of young people here to swell themselves of a purely Intermediate school. I don't think that any Intermediate school, pure and simple, is required in Kinsale. I agree with what O'Shea Cotton said and with him I believe, that what would be best for Kinsale would be a superior National school such as he has described.

4117. Rev. Dr. MOLLOY.—You both agree perfectly as to that, but the difficulty is that you would each like to get the whole of this endowment?—Yes.

4118. Dr. TARRANT.—Supposing the ground was given to you to build a place for Intermediate education what would you consider the letting worth for a school?—I am paying for the building in which I hold the school £5 a year ground rent.

4119. Would you consider this worth £7?—I think we would have much difficulty in maintaining the school if we were taxed to the extent of £7, it would lead probably to the failure of the school.

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Darling, M.A.

4130. That is what Canon Cotter said!—In fact I substantially agree with him in everything he said. I have the whole responsibility of carrying on the school at present, and I know how difficult it is to get subscriptions.

4131. You could not pay more than £31.—We pay 23 rent for the hall, and we use it for other purposes, and so the expense does not fall on the school fees at all.

4132. Would it be desirable to utilise this endowment in providing exhibitions in Intermediate education for promising boys of Kinsale wherever educated?—I scarcely think that that would meet the wants of the town, and it certainly would not help me in carrying out the very difficult task which devolves upon me as incumbent of this place. The Wesleyan body is a very small body here, and they have not thought it desirable to set up a separate school. Their children came to my school, and I therefore practically feel myself responsible for them also.

4133. I suppose to give you any substantial help you would require the whole of this endowment!—It was for that reason we applied for the whole—because we didn't think it worth dividing. If I was to have a good National school at all I must build one, and I must obtain many local contributions in order to obtain the grant from the Board of Works, and what is accumulated from this endowment I am sure would not be more than enough to build a proper schoolhouse, including, perhaps, rooms for the master.

4134. Rev. Dr. Molloy.—Then in fact it would not be worth your while to go in for this endowment at all unless you get the whole of it!—I think not, and that is the opinion of the members of my congregation.

4135. Considering the small amount of the endowment, and that it is proposed to expend it on a National school, do you think classical languages are the kind of education that is most wanted?—There are some who might require elementary classics—those who intend to read for a profession—but as a rule I think not; for the children whom we would have

going there would be poor young fishermen's children, and the children of shopkeepers for whom a commercial education would be more wanted.

4136. Do you think that by giving them a superior primary education you would fit them for their career in life better?—That is my idea. I was for four years in Ballymodan, and I established a boys' National school there, and I know the advantage of that class of instruction very well. The vestry there purchased the house and set up a school similar to that which I would like to see established here.

4137. The bulk of your population is chiefly of the fishing class?—I have only a few fishermen's families. The bulk of the fishermen are Canon Cotter's people.

4138. Then your people are of the shopkeeping class?—I have a good many of that class and merchants. There are gentlemen in high positions as merchants—Mr. Arton and others whose children are educated with me. I may mention that Canon Hunt, my predecessor, was a pupil of the endowed school himself.

4139. Dr. TRAILL.—Do you think this endowment has been diverted from its original purpose?—I think what I propose is no doubt diverting it from its original purpose. It was intended to be a grammar school formerly, but I don't think there is room for an intermediate school here now.

4140. Professor INCHURRY.—There is some evidence that there is a demand for intermediate education in the town of Kinsale?—There is a limited demand for it, there is no doubt.

4141. But this is a very limited endowment!—Yes.

Mr. W. H. Bird, J.P.—This endowment was alright until it fell into the hands of the Town Commissioners. The school was carried on very well, and it gave a very good education. The late Dean Daunt was educated in that school, and Professor Yvonne, of Galway College.

Rev. J. L. Darling.—I have stated that I believe that this was the original intention.

#### Rev. Canon Daunt, M.A., SWEN.

Rev. Canon  
Daunt, M.A.

4152. Lord Justice FITZGERSON.—You are Rector of Queenstown?—Yes.

4153. You were Incumbent of Kinsale before going to Queenstown?—Yes, from 1871 to 1881.

4154. Was the old school in operation while you were incumbent?—It was in existence for two years after I came here. My old master, Mr. Purdie, was in charge, and when he died the Town Commissioners appointed a gentleman in his place, and he continued in office for a year.

4155. What was the condition of the school during the two years?—Mr. Purdie was sixty-five years old, and he was quite beyond his work, and the school was in a very low state.

4156. Had he any boarders?—He had no boarders. He was a bachelor.

4157. How many day boys had he?—When I was in the school he had an immense number—when he died he had only about eight.

4158. Dr. TRAILL.—You were educated there?—Yes, I was, and my brother.

4159. Was Mr. Purdie at that time the master?—Yes, he was.

4160. Do you remember any time when it was under any other master than Mr. Purdie?—No, I do not.

4161. How many day boys were there when you were receiving your own education there?—About twenty-five when I first went there.

4162. Rev. Dr. Molloy.—When was that?—About 1850 or 1854.

4163. Lord Justice NADEL.—Were all these day boys from Kinsale?—Yes.

4164. What religious denomination did they belong

to?—They belonged to every denomination. Some of the gentlemen who were there are now priests.

4165. What was the course of education?—A classical and general education.

4166. Rev. Dr. Molloy.—When you came here as incumbent, there were about eight day boys?—Yes.

4167. Were they of all denominations?—They were.

4168. What number of Catholics?—I think about three or four when I was there. When I left and when the master died there were, I think, two or three. I remember a large number of the gentlemen of the town who were Roman Catholics and whose children attended there.

4169. When did the Roman Catholics cease to come in such numbers?—The school fell away, I think, from the feebleness of poor old Mr. Purdie.

4170. When there were twenty-five day boys, in your time, how many were Catholics?—I should think about eight or ten. When I came to the parish it was felt at once that there was great need for a school.

4171. At that time was the school under the control of the Corporation?—Yes, the master was presented by the Corporation. Mr. Purdie was named and appointed by the old Corporation, not by the Town Commissioners.

4172. Then the falling off in the number of pupils occurred in the time of the teacher who was appointed before the nomination came into the hands of the Town Commissioners?—Precisely, and never seemed to rise.

4173. The falling away, therefore, of the school from its flourishing condition took place before the present Town Commissioners got the nomination of the school master?—Yes.

4174. And it was not due to the action of the pre-

out Town Commissioners?—No; it was due to the age of the poor old man, Mr. Purdie, who was entirely beyond his work.

4153. Do you consider that a man is beyond his work at the age of sixty-five?—I do not; but Mr. Purdie got into a rather lower way of doing his work. When I came to the parish a committee was appointed to get up a higher class National school, and we did get, and paid a very considerable amount.

4154. Lord Justice XAVER.—Was it after Mr. Purdie's death that the attempt was made to establish that school?—It was.

4155. What was done?—A committee was appointed of members of all Protestant denominations in the town, and we got a first of first class master who could teach classics, and he set up his school. The gentry all round the country sent their children to it, and it flourished from that time.

4156. In what buildings?—We had to rent a house, we could not get any place to build a National school. I tried all over the town, and I could not get a site that the National Board would pass.

4157. How many children came to this school?—I think there were seventy on the roll.

4158. Professor DOUGHERTY.—Was it a classical school?—The master taught classics, but it was a higher National school.

4159. Dr. TRAILL.—Had you a salary from the National Board for him?—Yes.

4160. Lord Justice FERGUSON.—How did that experiment fail?—We had to pay a very heavy rent for the premises, the expenses were always far in excess of the receipts. In consequence of that we got into debt.

4161. Dr. TRAILL.—Did those some of the gentry pay anything for their education?—Yes, they all paid. Some £1 a quarter. No one paid more.

4162. Lord Justice FERGUSON.—A school of 70 pupils in connection with the National Board, one would have thought, could hold its ground even with those fees?—But there was a number of very poor children, fishermen's children who paid nothing.

4163. In London, with an attendance of less than 70, the master has an income which reaches £140 a year?—That may be quite possible.

4164. Rev. Dr. MOLLAY.—Your school was under the National Board?—Yes.

4165. And the gentry sent children who paid small fees?—Yes, some farmer's sons came, and the children of the towns used to come, and others we let in without paying—the poorer children of the town.

4166. But there are many schools in the country which are able to maintain themselves under those conditions?—The experiment failed here.

4167. What was the number of pupils in attendance for the two years before it was closed?—There were not so many, 75 was the largest number we had.

4168. About what time was that?—About 1876.

4169. It was closed about 1880?—I think so.

4170. Did the numbers fall off gradually from 1876 to 1880?—They used to oscillate. Sometimes we would have a very considerable number, and then most of those would go out to situations.

4171. Lord Justice FERGUSON.—Were you incumbent at the time that the premises, held under lease prohibiting a National school, were got possession of?—I was, when the Fisherman's Hall was got, the name called the Fisherman's Hall.

4172. Who are the lessors?—Dr. Dorman owns the land.

4173. Did he put in the condition that the house was not to be used for any school in connection with the National Board?—Yes, there is a fine of £50 to be paid to the landlord if a National school is started there.

4174. Dr. TRAILL.—Who are the representatives of the landlord?—He is alive.

4175. Do you think he would relent?—He would not, under any terms whatever.

4176. Lord Justice FERGUSON.—We had in London most striking evidence about this. The school was kept under such restrictions as you speak of. There were 13 or 14 very poor children—some sent by the Protestant Cyprian Society—getting a very inferior education; and all the children from that parish, and from all the parishes around, who could possibly be drawn away were going to the nearest National schools, including Presbyterian and Methodist schools. Notwithstanding that experience, the miserable place to which I have referred was kept up.

4177. Lord Justice XAVER.—Do you recollect what fees were paid by the day pupils who got a classical education at your schools?—£4.

4178. In the most flourishing times how many might have been paying these fees?—I suppose not more than 3 or 4 paid £4.

4179. Was there a graduated scale?—Yes. The farmers paid very much less in the way of fees, while some paid very much less still, and some paid no fees at all.

4180. What was the rent of the house?—I think it was £15 or £20.

4181. Professor DOUGHERTY.—Do you know what the attendance was the year before the school was closed?—In 1874 there were 60 boys and 18 girls, in 1875, 72 boys and 50 girls; in 1876, 50 boys and 25 girls; and in 1879 there were 43 boys and 24 girls.

4182. Was this gradual decrease in numbers due to a gradual decrease in the Protestant population?—I don't know. I think it was. I remember some of those boys who came subsequently went out to situations, and that, just at that time, there were no boys to come in and take their places.

4183. Has the Protestant population of Kinsale been diminishing?—Not much—I don't think so.

4184. Lord Justice FERGUSON.—I observe from the figures which you have given us that it is not the condition of the times that affect this matter, because your best time was in 1875, and you went down up to 1879, when we found in other places the real effects of the depression began to tell upon the schools. The real difficulty we were always in, was that we had to pay such an amount in rent, repairs, and expenses connected with the school from the want of suitable premises, that we were not able to keep it up. My uncle, Captain Board, used to let us draw upon him very kindly for money—but the school was largely in debt.

4185. What were the oppressive charges that you had to meet?—Rent, repairs, and a great many other charges, clearing the school and so on.

4186. But you would have to bear the charges for repairing and clearing the school, even if you were to establish a new school?—Yes, of course.

4187. Professor DOUGHERTY.—Did you supplement the income of the school by voluntary subscriptions?—The master was guaranteed a certain amount by the committee, and they then looked to the fees to meet this guarantee.

4188. Had the members of the committee ever to pay the guarantee?—Yes, they had. The difficulty experienced in getting the fees was very considerable.

4189. Lord Justice FERGUSON.—What would it cost to build a school to give accommodation for the Protestant children?—I don't know. The Fisherman's Hall cost £400. I think from £300 to £400 would be about the cost of building a National school.

4190. Dr. TRAILL.—I suppose you are aware the National Board grant £215 for every £350, and £350 would build a sufficient school for the numbers under the National Board.

4191. Lord Justice FERGUSON.—If we were to enable the Protestants to build a proper schoolhouse here with the assistance of the State—do you think you could maintain it?—I don't know, really.

4192. Rev. Dr. MOLLAY.—It is a curious fact that

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the Protestants of Kinsale have had at two different periods a flourishing school in this town; the first was this endowed school under Mr. Purdon, and the second was established by themselves. Both schools reached a certain degree of prosperity, both gradually declined, and both were eventually closed while under Protestant management.—Yes. Mr. Purdon's was closed because there was not the material to keep up a school of that class.

4194. Dr. TRAILL.—But it didn't close during his life?—No.

4195. It was not closed under Protestant management except by his death?—Yes.

4196. It was closed during Mr. Hagan's time?—The people scattered about and went away, and there really were not boys of the class he wished to teach, in the town to come to his school within ten years of his death.

4197. There was not the same demand for classical education?—There was not the same demand for a higher class school, and the school simply died out because we could not get the fees and get into debt.

4198. You didn't succeed in obtaining the necessary amount?—We didn't try that.

4199. But that is what everybody is trying everywhere. There must be local efforts?—Yes, we do it at Queenstown. It was managed here, no doubt, but the material in 1879 had greatly diminished.

4200. Do you know what has become of the boys who would have been educated in this school if it had continued to exist, do they get any education now elsewhere?—The boys were drawn very much from the country. I don't know enough of the local circumstances of this district for the last ten years to be able to answer your question. I am out of it at least seven years.

4201. Lord Justice Fitzgerald (to Rev. Mr. Darling).—Can you tell us what has become of the boys who used to go to the school?

Rev. Mr. Darling.—I don't know. I could not tell you.

4202. Are there any number of Protestants in the National schools about Kinsale?—Not that I know of—not within any reasonable distance of Kinsale.

4203. Do Protestant boys go to National schools under Catholic management?

Rev. Mr. Darling.—Some boys go in, as I mentioned, to Cork by train—some gentlemen's sons, such as Mr. Acton here. But there are not many boys who need primary education.

4204. Rev. Dr. Motzner.—We find that ten years ago there was a school in which seventy Protestant pupils were being educated. That school is closed. Where are the Protestant pupils now educated?

Rev. Mr. Darling.—I have about sixty pupils. A large number attend what is called the infant

school. It was meant for an infant school, but, owing to the confidence that the parents have in the mistress, I see children up to twelve years of age still attending it. I have in the Fishermen's Hall, as it is called, a daily school which I established since I came here. There were thirty-six girls, but lately the number has decreased because the education is not of the class I would like to give, and some of them have gone to Canon Cotter.

4205. What you really want is a site for a school which you could place under the National Board, and get the benefit of their grant?

Rev. Mr. Darling.—Yes, exactly. I cannot get their grant at all at present. I am obliged to raise voluntary subscriptions, and my belief is that I could obtain much larger voluntary subscriptions towards a National school.

4206. I suppose you recognise the fact that we cannot give the whole of this endowment to both parties?

Rev. Mr. Darling.—Of course.

4207. Lord Justice Fitzgerald.—Nor can we divide this little endowment without making it worth nothing to either. But you have got sixty children, and that number is capable of increase. Therefore you have a number that places you beyond risk of losing the National Board grant. The National Board would pay the salaries, and by inspection see that the school is maintained up to the required standard of National Board efficiency, and if we gave you the means of building a schoolhouse—if it is possible to get rid of the restrictions which are at present hampering the cause of education—it would enable you to set up a school under the management of a parochial body of your own.

Rev. Mr. Darling.—I am quite certain of that. I set up the Ballymedian Boys' National school, and I have some experience in these matters, and some gentlemen of liberal means would perhaps join us and subscribe to the school. I would gather subscriptions and get in fees, and I hope and trust no such collapse would occur again, or, at least, such need never occur, under improved management.

4208. We are surprised to find that it is impossible to get a vacant site?

Rev. Mr. Darling.—The town is very narrow, and space is exceedingly valuable.

4209. But the buildings do not appear to be of a very unpropitious character?

Rev. Mr. Darling.—I have never been able to obtain a site. Mr. Daunt tried for years, and he never could find a site in a suitable position that would give us room for a playground—one such as would be required by the National Board.

W. H. Bird, J.P., sworn.

W. H. Bird,  
 J.P.

4210. Lord Justice MAULE.—You are anxious to put before us any views in reference to the Kinsale School?—I merely wish to state that I have had a good deal of knowledge of the school in former days when Mr. Purdon was the master.

4211. Do you reside near Kinsale?—I have resided on and off in Kinsale for forty-eight years. I was myself educated entirely at this school in Mr. Purdon's time. I entered Trinity College from that school, and at the same time the late Dean Daunt, Professor Townsend, of Galway College, and in fact all the gentlemen in and about this town were educated there, and all the respectable merchants of the town—at least a great many of them.

4212. Was it a classical education that was given?—A classical and general education.

4213. In your time what was the attendance at the school?—The average was about thirty-two—ranging from thirty to thirty-six.

4214. Were all day boys?—All in my time, except one, and he was some connection of the master.

4215. We have heard that during Mr. Purdon's lifetime as he grew old the school fell away?—So I believe, but not during the time I was there. It didn't, in my memory, go below thirty.

4216. Are you of opinion that there is any real want in Kinsale at present of a classical school?—There is a great want.

4217. Lord Justice Fitzgerald.—Are the most class of pupils to be found now in Kinsale as when you went to the school?—Yes, in somewhat lesser numbers.

4218. Since the establishment of railway communication don't the boys of the class you speak of go to larger centres than this?—A few are obliged to go into Cork at great expense and risk. I myself have two boys being educated at present by a master attending at my house. Next year I intend, if I cannot get better

attention, to leave the place altogether, and go to some place where we can have it.

4318. What number would be likely to attend a school of the same class that you attended long ago, if established now?—I think they would have fully thirty.

4319. How many of the thirty-two in your time were Roman Catholics?—I can only remember three. There may have been one or two more; but all I can call to my recollection are a Roman Catholic deacon in Cork at present, another gentleman, and a respectable merchant here in Kinsale who afterwards went to London.

4320. Lord Justice NAHEU.—Do you think if a classical school was started in Kinsale you could count on an attendance of thirty boys?—Certainly, if it was the class of education required.

4321. Rev. Dr. MOSEY.—Would those thirty boys be learning Greek and Latin?—Greek and Latin—not in all its branches. They were formerly prepared generally for Trinity College in Dublin.

4322. Do you think there are thirty boys in and about Kinsale who want to go to Trinity College?—No, I don't know whether there would be, but there are many who would be prepared for banking institutions and general commercial pursuits of one kind and another.

4323. Lord Justice NAHEU.—Are you the trustee of the Fishermen's Hall?—I am one of the trustees.

4324. We have heard that there is a condition in the lease that the building cannot be used for any school in connection with the National Board—is that so?—Yes. Allow me to state the reason. This hall was built purposely for the accommodation of fishermen, who come here in great numbers in the spring.

4325. Do you mean not for education but for religious services?—Yes, for the fishermen of other places who come here in great numbers. The Rev. Dr. O'Leary thought there was a want for such a place here, and he got subscriptions, from other places principally, for the building of such a place, more as a place of worship and for religious meetings than for anything else, and it was thought inadvisable that it should be ever put under the control of the National Board, knowing that there were rules published by the National Board preventing any religious motions or such things being put upon the walls.

4326. Lord Justice PRINGHAM.—Is it at present used as a place of worship?—There are meetings very often held in it.

4327. Then the main purpose of this building was not that of a school?—That is so.

4328. Do you know the Infant School?—Is it under similar restrictions?—I know the Infant School, but don't know whether there was such a restriction put upon them or not. I have not anything to say to the Infant School.

4329. How does the restriction arise there, Mr. Darling?

Rev. Mr. Darling.—I have nothing to do with the Infant School. I do not control that school at all. It is in the hands of some ladies, but I know those ladies, especially the ladies most closely interested in it, are opposed to the National System of Education, and that is the way the restriction has occurred.

4330. Professor DOUGHERTY.—But a great many people who were so opposed have changed their minds?—But they have not changed their minds.

4331. I believe opposition to the National Board System is now mainly confined to ladies?—Yes, and mainly on account of one rule—about their not being allowed to take out the Scriptures during school hours.

4332. If you established a new school would you draw the pupils from those ladies?—I think so, those who are not infants. I would speak to the parents and would say they ought to come, and I think they would come. I would not take away the infants. I should like to leave that as an infant's school.

4333. Dr. TRAILL.—You would make a distinction

between the infants and the grown children?—I don't know any place where the infants could be more thoroughly grounded. This is an infant's school, and it was never meant to be anything else. If I had a better school there is no doubt that a large number of pupils who go there would at once come to me.

4334. Is the teacher well qualified?—Miss McCarthy is a capital teacher as an infant teacher.

4335. Is she a classified teacher?—No, but she is a capital teacher of infants, and I am quite satisfied that my children should attend that as an infant's school.

4336. (To Mr. Bird).—Have you had anything to do with looking for a site for a National school?—I have not.

4337. You know the town well?—Yes, and I agree with Mr. Darling that it is very difficult to get a site here.

4338. Do you think the site of the old endowed school would be a good site?—I think quite suitable.

4339. What would you value it at?—It ought to be worth £5 or £10 a year, the whole thing. I understand that they have let portion of this ground for £7 a year.

4340. Lord Justice NAHEU.—Do I understand your view of what is best to be done if you had a good site and this £30 a year to be that you would re-establish the classical grammar school?—Yes, I think so, such is required very much in this town. I think it is a want that drives a great many out of the town.

4341. Are you in favour of Mr. Darling's proposal, to get the site for a National school with a master who could teach elementary classics?—It depends upon whom the funds would be vested in.

4342. Dr. TRAILL.—In whose hands do you think they should be vested?—We have put in our claim for this as being a purely Protestant endowment, and thus therefore we ought not to be deprived of this endowment which came by an oversight into the hands of the Town Commissioners of Kinsale; and it was certainly never by the original donor intended that it should be so.

4343. Rev. Dr. MOSEY.—With regard to the intention of the original donor what evidence have you to offer to us—have you the deed of trust?—Mr. Darling recited some of the deed of trust to me.

4344. What evidence have you that according to his intention it was to be an exclusively Protestant endowment?—The original donor was a Protestant—it was always vested in the hands of Protestants and under Protestant management.

4345. The schoolmaster was a Protestant clergyman?—Yes, always.

4346. And I suppose you are aware that at the date this endowment was founded no one but a Protestant could have anything to do with schools?—Yes.

4347. Lord Justice NAHEU.—The real consideration with Mr. Southwell at the time appears to have been the getting of so much of the very property held by the Kinsale Corporation on behalf of the public?—It was open to all classes, and they all attended.

4348. Did you know any master before Mr. Purdus?—I think the Rev. Mr. Damm in speaking of his age was rather under the mark.

4349. Unless you had two schoolmasters how could you have had a more open school?—The only difference was that the Roman Catholics left the school on Saturday at twelve o'clock, and the Protestants looked upon them as fortunate, and an hour was given for Scriptural education, from twelve to one.

4350. Rev. Dr. MOSEY.—As far as I can see the only evidence of its being an exclusively Protestant endowment is that the Protestants had exclusive possession of it for a great many years?—There was no class or sect excluded from it.

4351. The management was exclusively Protestant?—Yes.

4352. Don't you think it is nearly time for the

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Catholics to have the management now?—Well, yes; it seems to me that everything is turned upside down.  
4254. Lord Justice STANFORD.—What is the oversight you refer to when you say it passed to the Town Commissioners?—The old Corporation of Kinsale were always exclusively Protestant, and their right became vested in the Town Commissioners, at least so the Town Commissioners claim. Of course, that is a point I have never gone into, so far as the law is concerned, and I never was a Town Commissioner of Kinsale, and I am sure I never will be.  
4255. From 1829 to 1842 they were a mixed body,

and from 1842 until the Town Commissioners were appointed I suppose you had no town body at all?—My father was a Town Commissioner at one time, I believe; but I never belonged to them, and therefore I cannot tell you anything about their secrets, if there are any.

4256. Rev. Dr. MOLLOY.—The only thing we have in the report as to the original deed is the statement—“The grantor was informed that a grammar school was much wanted for the superior education of the youth in the town of Kinsale.” That is quite general!—Yes, that is what Mr. Darling read out to me.

# CARMELEITE COLLEGE, KINSALE.

Rev. Patrick Murphy sworn.

Rev. Patrick Murphy.

4257. Lord Justice NAHE.—You belong to the Carmelite order?—Yes.

4258. You carry on a school in Kinsale at present?—Yes; an Intermediate school.

4259. How long has that school been established?—About eight years.

4260. What led to your setting up a school in Kinsale?—We were established there before the school, and had a church.

4261. What led to the Carmelites establishing a school?—I think it was on account of the Protestant school falling through, and the want of a classical school in the town.

4262. How many boys are in the school at present?—Fourteen.

4263. Do all learn classics?—Yes.

4264. What is the course of education?—The Intermediate course.

4265. Do you send boys up to the Intermediate Examinations?—Yes.

4266. Have you had any successful pupils?—Not many.

4267. Where do you carry on the school?—In the Convent house.

4268. How many of your Order are engaged in teaching?—Three.

4269. Dr. TRAILL.—What do you mean by the Convent house?—The house we live in.

4270. That is not the same Convent house that was spoken of before?—No.

4271. I thought convents were for ladies, and that monasteries were for gentlemen?—No, not at all.

4272. Lord Justice NAHE.—Do the fourteen boys in the school represent the demand for classical education in Kinsale?—I think so. It is open, of course, for Protestants too, but they don't come.

4273. Do you think there are any more Catholic boys that would come if there were greater facilities afforded?—I think not, because 30s. a quarter is the fee, and very few pay that.

4274. If a first-class National school were established, capable of giving intermediate education, do you think that would draw away your boys?—I am sure it would—all; because I suppose a first-class master in a National school would charge a mere nominal fee, and of course they would not come to us then.

4275. Dr. TRAILL.—Are you opposed to the establishment of a National school, with a first-class teacher?—Yes.

4276. You would wish to have the teacher restricted to primary education?—Of course I look upon it in rather a selfish light. I know very well if there was a first-class teacher who opened a National school, it would interfere with our school.

4277. Both in the intermediate department and in the primary department?—Yes.

4278. Have you a primary department also?—Yes.

4279. Professor DEANWORTH.—From an educational point of view, do you think it satisfactory to give an elementary teacher the opportunity of conducting intermediate education in his elementary school?—I do not. I suppose the National Board never intended that classics should be taught.

4280. Rev. Dr. MOLLOY.—I understand that your main objection is that there should be a first-class National teacher who would establish a classical school close to yours?—Yes.

4281. Have you any objection to the establishment of a National school with a first-class teacher to give primary education suitable to the general population?—Well, it would interfere with our school.

4282. Professor DEANWORTH.—Do you think it possible to utilise this endowment in connection with intermediate education?—Yes.

4283. How would you propose to do so?—I suppose our school would be for all classes.

4284. Would you have the endowment given as a grant to your teachers or as additions to your boys?—If they were going up for the Intermediate there would be no necessity to give them exhibitions.

4285. Would you prefer then that it should go as results fees to the teachers?—Yes, and take in pupils that could not pay.

4286. You think it would do something to promote the efficiency and success of your school if the endowment were disposed of in that way?—Yes.

4287. Lord Justice NAHE.—Do all the fourteen boys in your school learn classics?—Some of them are too young.

4288. How many actually learn classics?—I suppose about ten.

4289. Are they all day boys?—Yes.

# KINSALE ENDOWED SCHOOL—(continued).

Rev. Canon Cotter further examined.

Rev. Canon Cotter.

4290. Lord Justice FREDERICKS (to Rev. Canon Cotter).—I see from the evidence of Father Boardman in the report of 1850 that one of your two existing schools was built by the parishioners, with the aid of the National Board, and that it is vested in trustees?—I believe that is true.

4291. Is that school not suitable?—I have the whole building, in which there are two schools conducted in one building two storeys high, and as appears from the report both of the school it was built by money partly given by the National Board, and

partly by the people. That is the school which is nearly surrounded by the Convent premises. The Commissioners of Education have informed us that the schools we are speaking of near the Convent are vested in trustees whose names I will give you, and accordingly I am only managing the schools, appointed by the trustees. I apprehend Canon Boardman may have been speaking of another school, for there are two other schools vested in trustees, built in a similar way, partly by money from the National Board and partly by subscription.

4292. Where are these schools?—One is three miles or more away from the town, and there is another school not vested in trustees at a place called Cove, half a mile away.

4293. There might be a difficulty in dealing with the National Board for the purpose of discontinuing a school that they had already contributed to build?—I presume that when I get a more suitable site the Commissioners will be reasonable, and that we will easily come to terms, it is a difficulty that I don't think would be insuperable.

4294. Dr. TRAILL.—I understood you to say that you would be able to dispose of these premises to the mass?—The mass would give me a consideration for them.

4295. What would you propose to do with the share of that money belonging to the National Board?—I should come to terms about that, but if they required it back I should give it back to them, I suppose.

4296. Lord Justice Fitzgerald.—Is it repayable by instalments?—I suppose the amount that would be repayable to them would be small, because the schools are very old, and therefore there would be very little between us I should think.

4297. Dr. TRAILL.—Was it a loan from the National Board?—It is a gift.

4298. When it is a vested school, they make the gift—they give you two-thirds of the cost?—Yes.

4299. Then you have had a very fair share of public money already?—But it has been in use for forty years, so that they have got good value for it.

4300. If the schools are sold their money is there still?—Yes, of course.

4301. And, therefore, if you get the value of that from the National Board, you will be still getting a very fair share?—I will turn that to good account for some purpose if we erect a new school. I don't anticipate much difficulty in dealing with the Commissioners on that score, because I don't want to divert the money at all.

4302. Rev. Dr. MOLLOY.—It appears that your proposal has been before the Town Commissioners and has been considered by them?—Yes.

4303. And I understood they have approved of it?—Yes, they have approved of it, as I have here the papers, and as the papers show.

4304. I suppose they are chiefly Roman Catholics?—Yes, I believe they are.

4305. Then I may take it that they represent the wishes and the feelings of the Catholic population of Kinsale?—Yes, certainly.

4306. Professor DOUGHERTY.—Can you tell us how many of the Commissioners attended the special meeting at which the resolution was passed?—I should say that those who were not present, and those who have been elected since that date, have signed a document expressing their approval of the resolution passed.

Mr. R. A. WILLIAMS.—I happened to be one of the Commissioners absent, and I would have opposed it if I had been there.

4307. (To Mr. Williams).—Were you a Commissioner at the time the resolution was passed?—Yes.

4308. Were you notified that the subject was coming on?—Yes, I was. There would have been six opposed to it out of the fifteen.

4309. Rev. Canon COTTER.—Since the resolution was adopted there has been an election of five Commissioners, and the five Commissioners since elected have given in their adhesion in writing to that resolution—in fact fourteen out of the fifteen have given their approval of that resolution.

4310. Was this made a test question at the election?—No, it was not.

4311. Rev. Dr. MOLLOY.—Of the fifteen Town Commissioners now existing, fourteen have agreed to this proposal?—Yes, and I have heard that the other has declared that he would not oppose it. That foundation was given for the good of the people at

large, and don't you think it due to the people whom I represent—the Catholic poor who want education, and who constitute the very bulk of the people and the very poorest.

4312. Dr. TRAILL.—Don't you think that the original founder intended it, not for the poor or such, but for those clever enough to take a classical education?—But the bulk of the people are Catholic.

4313. What proportion of them do you think would be likely to take intermediate education?—Intermediate education—that is an education that would fit them for clerkships and positions in the Customs. I think there is a very large proportion who would take that education.

4314. But the evidence of the Rev. Mr. Murphy is that there are only fourteen, and that that represents the whole demand?—Not at all. Those persons may intend to become professional men and they want a classical education, whereas in the school I propose they would be prepared for a competitive examination which would give them positions in the Customs and in various other branches of the Civil Service, and I think that is far more important.

4315. But that is a departure from the original founder's intention?—I think not.

4316. A grammar school education is what he intended should be given?—That is a dream you must interpret.

4317. It is a very well-known dream, because it must include classics?—But I propose to include that branch of education for those who seek it.

4318. What share of this endowment do you think the Protestants might fairly expect, considering that the donor was a Protestant?—As regards that, the Corporation at the time represented the people.

4319. But the donor was Mr. Sutherland?—But it appears it was in consideration of the advances which the Corporation made over to the founder, that he granted this foundation. Therefore, it should rather be looked upon as the foundation of the Corporation than of an individual. The Corporation at that time, it so happened, were Protestants, and it was supposed that the right to give the anomaly was theirs, and whatever rights they had were the rights of the community. I will be quite satisfied if this amount will be so utilized as that it shall be for the good of the community at large, and the school I propose shall be open to every member of the community.

4320. What proportion ought the Protestants to get?—I would not divide it at all, but I would have the school open to all. It was not divided in the beginning.

4321. Lord Justice Fitzgerald.—But your school though open to all in one sense would be so only subject to the same conscientious objection which you would have to a school under Protestant management?—I consider that the majority of the people have a stronger right than the minority, for two reasons, firstly, because they are the majority, and secondly, because they stand more in need of assistance such as this, because they are the poorer class. At first the Corporation had the disposition of it, and as the Corporation has ceased to exist, it should be given according to my proposal for the benefit of the community at large and in making that proposal I feel that I have reason and right on my side.

4322. Dr. TRAILL.—Do you mean that the majority in such cases are always to possess themselves of whatever share would otherwise go to the minority?—No, but the thing is to be open for the good of all, as it was at first, and it would be for the advantage of all in the way I propose.

4323. If it was under Protestant management you would not consider it open to all?—Certainly not.

4324. How can the Protestants consider it open to all if it is under your management?—I take it that if the Corporation gave it to you—if they were a Protestant Corporation—or if the Town Commissioners gave it to me on the other hand being a Roman

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Catholic body, the conditions would be the same in either case.

4325. If there was a Protestant Corporation would you not claim your share?—I don't think I would bother myself, it is too insignificant.

4326a. How would it do to utilise this money, not for an intermediate school, but to be competed for by all the boys of the Kinsale schools at Intermediate examinations, or to pay for boys going to the Intermediate examinations?—I don't think it would do much good. It might be good for one or two.

4326. Would not that be in accordance with the intention of the founder?—I don't think it would. It would be in accordance with the founder's intention to give it for the maintenance of a school and not for the reward of individual talent.

4327. It was one of the intentions that the benefit should be general?—The school I suggest would be open to all.

4328. But not availed of by all?—I don't know. The National Board say that their schools shall be open for the benefit of all, without prejudice to any community in the community.

4329. But everyone knows that they are drifting into denominational schools rapidly?—So much the better.

4330. Therefore they will not be open to all in a short time?—They will.

4331. Theoretically but not practically?—If the rules of the Commissioners are so limited that any portion of the community would be excluded from the benefit I would be very willing to forego any exclusive advantage.

4332. I ask you what, if any, share would the Protestant members of the community derive from such a school as you suggest?—That is so prospective and problematical a thing that I could not say.

4333. Is not that what you yourself demand—that they should be excluded?—No; what I ask is to have the school open to all.

4334. Is it not your common demand that these schools shall become denominational?—Well, I am not the mouthpiece of my community. In the meantime my view is that it would be for the benefit of the people at large if the managers of schools were not hampered, as they are to a certain extent, by the rules of the Board as at present drawn up.

4335. Is it your view that they should become denominational schools?—It would be very much for the good of the community if it were so.

4336. In that case the Protestants could not avail themselves of your school?—I am speaking of what is best, I am not speaking of what is likely to happen. We are here to consider what it is now, and not as it might be.

4337. Supposing it would be best to have denominational schools, if Protestants could not avail themselves of this endowment, what share should they get as inhabitants of the town?—I would rather leave that to the decision of the Town Commissioners, who have the disposal of the endowment.

4338. Rev. Dr. MORLEY.—I suppose they would get a share in proportion to their numbers?—Yes; of course they would.

Mr. O'Sullivan, J.C.—When the school was under the management of Protestants it was frequented by Catholic children, and I cannot see, if it is placed under Catholic management, why Protestant children should not frequent the school.

4339. Were those Catholics seeking intermediate or elementary education?—I don't know.

4340. Lord Justice FITZGERALD.—If it was placed under Protestant management as a National school do you think the Catholics would go to it?

Canon Cotton.—They certainly will not. There is no hesitation in answering that.

4341. Rev. Dr. MORLEY.—Should you be willing to divide the endowment between the Catholics and Protestants of Kinsale in proportion to their numbers

respectively?—If the Commissioners see fit to do that of course I leave all that matter to you. I only put my application before you, and I leave it to your discretion as to how you will deal with it, but the thing is so paltry that it is scarcely worth dividing.

Rev. Mr. DOWLING.—You asked why it was stated in the petition that we didn't consider that the Town Commissioners were the lawful Governors of that institution. I was informed that the question was put as a matter of law to Mr. Joliffe, Q.C., and that he stated he believed the powers of the Town Commissioners were so limited that they have not lawfully succeeded to such trusts. I have not seen the Municipal Reform Act under which they succeeded, but I believe it is a matter for legal consideration.

4342. Rev. Dr. MORLEY.—We have had that point raised before?—I need only add that if they established a good National school there it would be open to all Protestants, and if I established a good National school there it would be open to all Roman Catholics.

4343. And each would like to have the school under his own management?—I certainly do not contemplate taking Canon Cotton's flock, but I admit to the Commissioners that the Roman Catholics themselves, as Canon Cotton justly remarks, are by far the largest and the poorest portion of the community in Kinsale, but they are getting an enormous amount of Government aid, and they have had grants innumerable, whereas we are getting nothing of the kind.

4344. They are getting that aid because they qualified for it by building their schools; you could do the same?—I have been unable to get a site. We have been trying for years to get a site, but through not having the influence of the majority of the inhabitants, or for some other reason, we have not been able to get a suitable site, and if I don't succeed now I must continue to beat about the bush.

4345. The Catholics could not get a suitable site, but they built on the best they could get?—I could get no site, suitable or unsuitable, and I can get no site. If anyone could show me a site he would relieve me of much anxiety.

Mr. O'Sullivan, J.C.—I am astonished to hear Mr. Dowling speak of the difficulty in procuring a site. I know myself that there is a splendid plot of ground immediately opposite the church door, and for a considerable time it was for sale. I bought it myself and I would sell it to him cheap. It is on the road just opposite the church.

Rev. Mr. DOWLING.—I had five vestry meetings on the subject, and I understood it was not to be sold.

4346. Dr. TRAILL.—Was it advertised for sale?

Mr. O'Sullivan.—Yes.

Mr. DOWLING.—I don't think it is suitable.

Mr. O'Sullivan.—Nothing could be more suitable. Surely when it is adjoining the Protestant church it should be suitable.

Rev. Mr. DOWLING.—Had I been in the parish at the time it would have gone much higher than it did.

Mr. O'Sullivan.—It is a lovely spot. It is a most attractive place.

Rev. Mr. Murphy.—Last winter I communicated with some of the Town Commissioners about the endowment, and they wrote to your office in Dublin, and they all approved of the endowment that it should go to our place.

4347. When was that?—About Christmas.

4348. Dr. TRAILL.—Did they do that by resolution?—I just simply communicated with them—not by resolution.

4349. Would £30 a year assist your school materially?—Very much.

4350. What is the principal want you feel at present?—Want of money.

4351. For what purpose?—Some of them are not paying their fees. Some of those fees are very hard to get.

4352. Is it in payment for teachers?—No; our school is too small to get in other people.

4333. What would you use the money for?—For prizes for boys and school requisites.

Rev. Mr. Darling.—It was mentioned by Mr. O'Neill that he had a desirable plot of ground that he was willing to sell. I find that it has a ground rent of £15 a year upon it. That is why we didn't consider it desirable.

4334. Lord Justice FitzGibbon.—The existing endowment that is forthcoming is, first, the redemption of the mortgage of £30 Irish, which I calculate may amount to over £300. The Town Commissioners may be entitled to some credits, but the maximum amount for your year up to 1887, amounted to £322 odd. The next item is this acre of ground, which appears to be held in fee-simple; it is in the middle of the town, and we are told it is a site suitable for the erection of at least one school, and its value may be put down, for the present at least, at about £6 a year, which, with the security of £30 Irish, shows about £36 a year, and a capital sum of about £300 to be the whole of endowment. We are satisfied on the evidence—barring to be corrected if the deeds were forthcoming—that this was originally a grant to which all the youth in the town of Kinsale were entitled to look for benefit, but only in respect of a grammar school education. It was not intended for a primary school; it was given for the benefit of the whole town, to give a class of education that could not be got in our ordinary schools. The members of various religious denominations—not perhaps liking it, but having no other way of dealing with the question—for a long time accepted education given by a number of one denomination; because unless you have separate schoolmasters you cannot give each a teacher of his own denomination. That is no longer the case, and we have been impressed with the impossibility of forcing on people what they do not like. Therefore a mixed school would end in failure. It failed in Mr. Parnell's time. The school in his hands died out. Then the Town Commissioners made an attempt to establish a mixed school from the other side, and appointed a Roman Catholic head master, and the result of that transaction was that in two years the whole place went to ruin. The premises have not been used as a school since, and the land has been accumulating. We must recognise the claims of the various denominations to the money and the land, and the question is now how they can be most usefully employed. With the grant assistance that is available from public funds for building schools—greater than in any other part of the United Kingdom—there ought to be no difficulty in providing a suitable school for each of the denominations. Canon Cotter says his present school is not satisfactory, and the Protestants tell us that they are obliged to hold their principal school in a place of worship; and the other is an infant school under private management. If they can provide themselves with a suitable site the accumulated money might be applied in whole or in part to enable them to obtain a building grant, and to provide what is needed in their case. If a balance is given to one side more than another out of the fund, that can be taken

into account when the account is divided. We are, I think I may say, satisfied that the class of education most nearly corresponding with what the original founder intended, but at the same time suitable to the present demands, is not Latin and Greek, which education very few Kinsale boys want, but a good practical education with something better for the clever boys than merely National school teaching, such, for example as the Christian Brothers give to their boys in Cork. I hope the people here will understand the endowment to belong to all and that as one denomination can expect to obtain the whole. How to satisfy the claims for just participation in the benefit of the endowment is a difficult problem, but we will do the best we can to solve it, and to do justice to each denomination, the parish priest on the one side and the incumbent on the other. Each with some key members of his own flock can form an incorporated body to hold and administer property for educational purposes. If such bodies were formed they could work out and obtain property upon which to build. If we found that this acre would hold both schools we could give each at once a suitable site. If it won't do for both, then one or other ought to have it. We cannot make a Solomon's judgment and divide the child, but one or other ought to have that site and build a school upon it, giving credit for the value of the site towards their share of the endowment. The other would then have to get a more suitable site elsewhere. In the first scheme that was settled under this Commission, the principle of division between the denominations in proportionate numbers has been recognised with a limitation that the smaller number wants a little more in proportion, because the expense of keeping a school by so means increases as rapidly as the numbers increase. Our next step will be to prepare a draft scheme which each party will see. In the meantime it would facilitate matters if the question of the site could be disposed of by the acquisition of some place on which a Protestant school could be established in the town.

Mr. O'Neill, r.c.—You said that there was £322 now available?

4335. Lord Justice FitzGibbon.—Subject, I think, to some extent.

Mr. O'Neill, r.c.—As far as the information I received guides me, I think their money had been loaned separately under the head of "Endowment School Fund," except one year's endowment which had been appropriated with the funds of the Town Board. The balance between that one year's endowment and the £322 has been expended in connection with these premises.

4336. Lord Justice NABH.—You can furnish us with the account.

Mr. O'Neill.—The liability of the Town Commissioners is simply one year's endowment.

4337. Lord Justice FitzGibbon.—The former report stated that for the first three years they hadn't paid; but we can look into the account, and of course I don't bind you to the £322.

#### ST. JOSEPH'S CONVENT SCHOOL (MRS. BURKE'S ENDOWMENT).

4338. Mr. J. C. Blake (Solicitor) for the Convent. I have got the last assignment of the trust by the Bishop. Mrs. Burke originally founded the convent, and brought a good deal of money into it, now there remains only a balance of £5,000, which by the trust deed originally made, should be vested in the Roman Catholic Bishop of Cork, and the parish priests of Bandon and of Kinsale for the time being. The difficulty they have to contend with is that every time there is a renewal by death we have to prepare a deed.

The deed of March 19, 1827, is an assignment by the late parish priest, Canon Reardon, to the present Bishop of Cork, the late Bishop having died, and to Father McGivney, the parish priest of Bandon; and since Canon Reardon executed that conveyance he has been removed to Cork. He is now the Vicar-General, and Canon Cotter has been brought here in his place; consequently that entails the necessity of having a new deed.

4339. Lord Justice NABH.—How is the money circumstanced?

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Mr. J. C. Blake

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Mr. J. C.  
Blake.

Mr. Blake.—It is an old judgment against Cuthbert Kearney. It has to be revived every five years.

4360. Dr. TRAILL.—Is the estate in Cork?—No, it is in the neighbourhood of Galvestown.

Mr. Blake.—The general fund was considerably more than £3,000 which now remains. That has been spent by the community in enlarging the schools of the convent, and for other educational purposes, which they thought proper to benefit the community.

4361. Rev. Dr. MOLLER.—What is the expense of each transaction?

Mr. Blake.—I don't think it costs the convent very much.

4362. Lord Justice FERGUSON.—To an ordinary client what would be the cost of each transfer of property of this kind?

Mr. Blake.—About £8.

4363. Lord Justice FERGUSON.—One of the great objects of our Act, and one of the great advantages we are able to give, is to put an end to all this payment.

Mr. Blake.—It is also expensive to register this in the Judgment Office and in the Registry of Deeds.

4364. Lord Justice FERGUSON.—What does the registration of each judgment cost?

Mr. Blake.—I suppose it costs £2.

4365. Lord Justice FERGUSON.—The original trusts were for the benefit of the community?

Mr. Blake.—Altogether. It was not confined exclusively to educational purposes.

4366. Lord Justice FERGUSON.—Nor are educational purposes mentioned?

Mr. Blake.—No, it was for the foundation of the community.

4367. Rev. Dr. MOLLER.—It is an exclusively Catholic endowment?

Mr. Blake.—Altogether.

4368. Rev. Dr. MOLLER.—They appear to use it entirely for educational purposes?—Not altogether. The money received now goes into the general fund of the convent. The ladies themselves take in a great deal of money when going into the convent, and that money is invested for the purpose of supporting them, and goes into a general fund that is applied as they think proper for the benefit of the community.

4369. Lord Justice FERGUSON.—Has the interest been regularly paid?

Mr. Blake.—Most regularly.

4370. Lord Justice FERGUSON.—And is the money well secured?

Mr. Blake.—It could not be better secured.

4371. Lord Justice FERGUSON.—What does it yield?

Mr. Blake.—Five per cent.—£150 a year.

4372. Lord Justice FERGUSON.—The school is in connection with the National Board?

Mr. Blake.—Yes.

4373. Lord Justice FERGUSON.—And they have also a certified industrial school?—They have.

Rev. Canon O'NEIL.—We have 500 or 600 children.

Mr. Blake.—We would be very anxious if these frequent formalities in the way of deeds would not be imposed upon us.

4374. Lord Justice FERGUSON.—The conditions which the Act imposes are that any school receiving benefit from the endowment shall be liable to inspection to see that the scheme is carried out, and that once a year the accounts must be audited by a competent authority.

Mr. Blake.—That is the account respecting that endowment and no more!

Lord Justice FERGUSON.—No more.

4375. Rev. Dr. MOLLER.—But it would involve their keeping separate accounts. At present, as I understand the income of this endowment goes to the general fund of the convent, and is used for the general purposes of the convent, one of which is the maintenance of this school?

Mr. Blake.—They do not apply it for any specific purpose—they apply it to the common necessity.

4376. Rev. Dr. MOLLER.—Therefore it would be necessary for them to understand that under a scheme prepared by us they would have to keep a separate account for the expenditure of this endowment?

Mr. Blake.—According to that view they would be compelled to apply it for educational purposes.

4377. Lord Justice FERGUSON.—That would not be necessarily so, because the Act applies to any property held for charitable purposes of which half is for any educational purpose.

4378. Dr. TRAILL.—Is not the community an educational community?

Mr. Blake.—Yes, but it has no means of support.

4379. Lord Justice NAIRN.—They might apply it to build a convent.

Mr. Blake.—They might apply it in any way they thought proper. If they wished to realize the principal sum—they could do what they like in the matter—there is no one to control them.

4380. Lord Justice NAIRN.—We should have to create an educational trust.

Mr. Blake.—I am afraid, on their behalf, I could never consent to that.

4381. Rev. Dr. MOLLER.—We don't want you to do it.

Mr. Blake.—I know that.

4382. Lord Justice NAIRN.—Your object is to have some machinery provided by which you could avoid executing these deeds.

Mr. Blake.—Yes. Every day, almost; I could not tell you the number of deeds that have been prepared.

4383. Lord Justice FERGUSON.—The endowment is for a particular religious denomination, and is under the exclusive control of that denomination. It is not under our control unless the governing body intimates in writing their consent. You have not done that, nor do we want you to do anything of the kind.

Mr. Blake.—I am afraid we must stop as we are. I have spoken to the Rev. Mother and the nuns on the subject, and they seem to think, owing to the question of account and putting it into a particular channel that they would rather remain as they are.

4384. Rev. Dr. MOLLER.—The imposition of the school, I apprehend, would not involve any practical inconvenience?

Mr. Blake.—No, because they have one already.

4385. Dr. TRAILL.—Who inspects them?

Mr. Blake.—The Inspector of the National Board.

4386. How are their funds invested?

Mr. Blake.—All their securities are invested in the names of the twelve youngest sisters, and we consider that being the twelve youngest they will remain a long time and survive the old. All the property has latterly been so invested in the names of the twelve youngest members of the community, but in this particular instance of Mrs. Burke's £3,000, she thought that by inserting the names of the bishop and the parish priest, the very fact of there being such persons would have saved further trouble, but unfortunately, in the preparation of the deed, it was made to provide that a new trustee must be appointed on the death or removal of one of the trustees in office.

4387. In the case of the buildings have you to execute other deeds?

Mr. Blake.—I think not, because the buildings themselves have been vested separately in some of the sisters.

4387A. Lord Justice FERGUSON.—These buildings appear to be appropriated for school purposes. If you choose—it is only a suggestion, and you can set upon it or not as you think best—you might trust the buildings as an educational endowment, and the same body that held them could hold this trust fund also!

Mr. Blake.—That would be a great advantage. The governing body that I would suggest would be always the Bishop and the two parish priests, and that would be the form of the governing body for ever.

4389. Lord Justice FITZGERSON.—Look carefully at the Act of Parliament, and, bear in mind, that we are in many cases incorporating bodies to hold property for dioceses, congregations, and communities of all denominations. And if you can show us any educational endowment, either in the way of buildings

or money, we could vest that property in a corporate body, and once you have that body it will be capable of holding any amount of property either conveyed to it from trustees or by private donors.

Mr. Blake.—That would be a great advantage.

Oct. 12, 1887.  
No. J. C.  
Blake.

## PUBLIC SITTINGS—THURSDAY, OCTOBER 20, 1887.

Oct. 20, 1887.

At the Schools, Skibbereen.

Present:—The Right Hon. Lord Justice FITZGERSON and the Right Hon. Lord Justice NAESH, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., D.C., ANTHONY TRILLI, Esq., LL.B., M.P., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, JUNR., was in attendance.

UNIVERSITY AND INTERMEDIATE SCHOOL, SKIBBEREEN; and NATIONAL SCHOOL, SKIBBEREEN.

Most Rev. Dr. Fitzgerald, Lord Bishop of Ross.

4392. With the permission of the members of the Commission, I would say a few words concerning the establishment, the actual condition, and the results of the Intermediate and University School, of which I am the patron, and Mr. E. L. Hagen, M.A., the principal, and Mr. D. McCarthy, assistant of St. Patrick's Training School, assistant master. The present memorial is intended to set forth the claims of the Skibbereen University and Intermediate School to receive a share of the public money granted for higher education in Ireland. The school has been in full working order for the last nine years, and has been established to provide literary and scientific instruction fully up to the standard required at present. The character of the work done will be seen from the abstract given afterwards, which summarises what has been done in preparing pupils for the higher public examinations of the Royal University, the Board of Intermediate Education, and the Science and Art Department, South Kensington. The school is the only one of the kind to be found in the large district extending practically from the city of Cork to the extreme south and south-west of the county. There is an exception, however, in the Diocesan Protestant Free School, Rossmorebury—some facts connected with which are to be found in the report of the Endowed Schools Commission, 1835, at pages 44 and 45. That district is by nature a poor one, and in general only thinly populated. This state of things greatly narrows the field open to the school, which is furthermore to a certain degree handicapped, by the existence of schools more or less (fully) endowed in the towns of Bandon, Donmurry, and the Rossmorebury school. Again the school has up to the present been obliged to work without an efficient staff of teachers, and without the provision of suitable apparatus for higher scientific instruction, but the figures afterwards given will, it is believed, show that it has done more for high class teaching than all the other schools in the west of the county taken together. The school is without endowment of any kind, its revenues being derived solely from the fees paid by the pupils and the "results" earned from the Board of Intermediate Education and the Science and Art Department. It is purely a day school, and the number of pupils averages over thirty, and it has therefore had exceptional difficulties to encounter. It is hereto main-

tained that the school, under any fair scheme for distributing the educational endowments, would be entitled to a grant of at least £200 per year. This amount, if given, it is proposed to apportion as follows:—£200 to the head-master, £120 to the first assistant, and £80 to the second assistant. The remaining portion of the money, £100, will go to the maintenance, &c., of the school buildings, and the supply of school requisites and apparatus; and it is proposed to vest the appointment of the masters and the general control of the school in a board of management, consisting of the following for the time being:—The Roman Catholic Bishop of the diocese of Ross, the Roman Catholic Administrator of the parish of Skibbereen, the Roman Catholic Pastor of the parish of Clonsilla, and the Chairman of the Town Commissioners of Skibbereen—those at present, with power to add to their number. As a proof of the character borne by the school, it may be mentioned that, although under purely Catholic management, it has from the beginning received a large measure of support from those of other denominations. These are the facts which the Educational Endowment Commissioners are respectfully asked to take into account. It may be truly asserted, judging from the results already obtained, that the school, if suitably endowed, would take a high place among the southern educational institutions. The following then is the abstract of the results already mentioned:—Royal University—matriculation, 23; first examination in arts, 14. Intermediate Examinations—exhibitions, 5; prizes, 5; passes, 61.

Most Rev. Dr. Fitzgerald.

4393. Lord Justice NAESH.—For what period does that run over?—For the last eight or nine years.

Mr. Hagen.—The first year there were none—seven years.

The Bishop of Ross.—Science and Art Department—scholarships, 1; prizes and prize certificates, 36; passes, 265. Then the others are the Queen's College matriculation, 6; Royal College of Surgeons, 3; and School of Apprentices, 2. The attention of the Commissioners is specially directed to this statement of results, on which the school bases its claim to receive an endowment. Mr. Hagen will be prepared to give you any additional details for the purposes of the inquiry.

Oct 22, 1897.

Edmund L.  
Rogge, M.A.

Edmund L. Hogan, M.A., sworn.

4351. Lord Justice Fitzgerald.—When were you appointed head master of this school?—In February, 1879.

4352. Was that the commencement of the school?—Practically. Yes, I think as an intermediate school it was.

4353. What are your qualifications to give intermediate instruction?—I am a graduate in honours, M.A. of the Royal University. I have been head master of the endowed schools of New Ross and Kinsale, besides which I have had experience in the South of Ireland.

4354. Rev. Dr. Molloy.—You were head-master of Kinsale?—I was, and I was a master in various colleges before I went there.

4355. You got your M.A. degree with honours in the Royal University?—Yes.

4356. What subjects did you take honours in?—Classics. It was first class in the M.A.; and I was always among the first on the list.

4357. Lord Justice Fitzgerald.—What is the present number of pupils?—Twenty-nine.

4358. Has the number fluctuated much since you came?—I may say that it has not fluctuated at all seriously until the last year, but the circumstances of the country have made a great difference.

4359. What was the number in the last twelve months?—I should say taking in the round of the twelve months the average has been over thirty-five.

4400. The fluctuation amounts to from eight to ten?—Nearly ten, I should say—eight or ten on the average.

4401. Rev. Dr. Molloy.—The fall during the last year was owing to the depression of the times?—Yes, in 90 per cent. of the cases.

4402. Lord Justice Fitzgerald.—What fee do the boys pay?—The juniors pay four guineas and the seniors six guineas a year.

4403. By juniors do you mean boys going in for the intermediate examinations?—I understand the term to mean those who don't learn classics.

4404. What teaching assistance have you got?—I teach everything except mathematics, and for mathematics I have a gentleman qualified in the highest way from the South Kensington department, who is resident in Skibbereen and devotes his whole time.

4405. Have you any resident assistant master?—No.

4406. It is purely a day school?—Yes.

4407. Where do the boys come from?—From the entire district, within a twenty mile radius—from Bantry, Bandon, some come from Clonakilly.

4408. When you speak of boys coming twenty miles—do they live in the town?—As a rule they must live in the town.

4409. For the purpose of getting education?—For that purpose solely.

4410. What is the nearest school competing with you?—Indeed there is no school to compete with me on this side of Cork. There is no school that attempts to do the work we do.

4411. What courses of studies do you teach?—Well, I think, as stated in the memorial, we prepare thoroughly for the Matriculation and for the First University Examination, for the three grades of the intermediate, in all subjects—classics, modern languages, natural science, drawing, and the science and art course, in mathematics, navigation, mechanics, photography, and sound, light, and heat; and for those examinations we present pupils every year.

4412. Rev. Dr. Molloy.—Those subjects you teach in connection with South Kensington?—Yes, Dr. Molloy.

4413. Lord Justice Fitzgerald.—Do you receive the fees from the pupils direct, or are they adminis-

tered through the managers?—Nominally, I do; but practically I am the Bishop's servant.

4414. Are you paid a fixed amount, or does your income depend upon the amount of the fees?—When I came here his lordship the Bishop guaranteed me a certain sum, and up to the present the fees have amounted to that, so that the question has not arisen.

4415. How is your assistant paid?—I guarantee him a portion of the sum which his lordship guarantees to me, and he receives also the residue fees in the subjects he teaches.

4416. What amount have you drawn from the Intermediate Education Board by way of results' fees?—Unless I am bound to answer that question I don't think it comes in.

4417. We wanted to see the means there were of maintaining you in your position of head master. Strictly speaking, you are not bound to answer any thing, because the school is exempt from our control; but, if you wish to place on record what has been done by your school, this matter of intermediate results is important—I really would prefer not to speak of them.

4418. Dr. Traill.—Do you find that the results fees from the Intermediate Education Board fluctuate much?—Yes; but still I would not say the fluctuation is more than 10 per cent.

4419. What number of boys do you send up in the year for the Intermediate Examinations?—The number that passed this year was 17. One was in the senior and one in the middle grade, and the remainder were in the junior. It happened that among the junior grade boys there was a very young child that was three times put forward. Last year there were two senior and the remainder were juniors who were presented.

4420. Have you got a centre in Skibbereen?—Yes and therefore we are obliged to make up a sufficient number of pupils.

4421. Are you obliged to send in boys who are really not yet fully prepared in order to make up the number necessary to secure you a centre here?—Yes, I would say so.

4422. Is there any other educational institution in the neighbourhood which sends boys to this centre?—There is a school in the town—the Academy is the name of it—kept by Mr. Baker.

4423. Is that a private school?—It is a private Protestant school. There was one boy came from Ross this year, and I think that on all the occasions there have been perhaps one or two from the west and west. Practically the whole ground to draw from has been from the town and neighbourhood.

4424. Lord Justice NAVE.—Do you find that the boys who come to you, come with the intention of preparing for some particular profession or calling?—It is hard in general terms to answer that question. There are a certain number of them who are undoubtedly intended for the Church, there are a certain number of them who are certainly going to medicine and other professions; for instance, last year two passed the solicitors' apprentices examination, and there are a couple more who intend to do so.

4425. Supposing the school was established as a boarding-school, with facilities for boys to come to it, would it draw many more boys from the district around Skibbereen?—It ought to draw, undoubtedly, a good many more boys. Of course, I know several boys who have gone from the east into Cork, instead of coming to school here, and I have no doubt that if there were boarding accommodation their parents would prefer to send them here. I have been asked myself several times to take boarders, but I have not thought of doing so unless the number would be large.

4426. Rev. Dr. Molloy.—What portion of the county do you include when you speak of the east?—From Glencilly and neighbourhood.

4437. Lord Justice FRINGHAM.—Practically from within the harem of East Corkery?—Yes, I presume so.

4438. You mentioned that your assistant master is connected with the Science and Art Department?—Yes; he has been there.

4439. How many boys did you send in for Science and Art subject?—The list shows the number that passed this year: 2 Queen's prizes, 15 prize certificates, 18 passed in mathematics, 6 in sound and heat, 13 in navigation, 4 in physiography; and 10 in mechanics for 7 years.

4440. What appliances have you for giving instruction in these subjects?—We accomplished what very few country schools have done. We made up a certain sum of money that entitled us to a grant from the Department for the purpose of buying the apparatus.

4441. What was the amount?—The total cost was £25, and the Department paid half, and we collected the rest, very fortunately.

4442. Rev. Dr. MOLLON.—The Department pays one-half the cost within certain limits?—Yes.

4443. Lord Justice FRINGHAM.—Have you ever thought of making arrangements by which the pupils could board with yourself?—As I mentioned a moment ago, I have been asked to take three—that has occurred in the case of several of the boys, but unless the numbers were pretty large the expense would be so great that I would not be justified in doing so.

4444. It does not contain accommodation for boarders?—No, nor to live in. We are at the mercy of his lordship for a place to shelter us.

4445. Rev. Dr. MOLLON.—You have no endowment?—None whatever.

4446. Are there any endowments existing in the neighbourhood?—There is an endowment attached to the Roscrea School; and I know with regard to the school at Brandon, but you yourselves had a sitting there the other day, and you know all about it.

4447. What is the endowment in the case of the Roscrea School?—I could not tell.

The Bishop of Ross.—They have £397, a house, I think, and some land.

4448. How many boys are attending the school?—Mr. Hagan.—I think I ought to form a pretty good idea. I think there are not more than seven or eight at present boys full pupils.

4449. How far is that from this?—Between twelve and thirteen miles. I know as one of the passes at the Intermediate—that it is represented by the Cork Roscrea School for the last nine years.

4450. You don't know what the endowment is?—It appears from this—

4451. Lord Justice FRINGHAM.—It is a diocesan endowment established by Queen Elizabeth, by way of a tax on clerical incomes, and it is very singularly dealt with by the Church Act, because it was thrown into the Church Surplus, and thereby diverted from education, and subject only to a life interest in each case.

4452. Dr. TRAILL.—Is there a diocesan schoolmaster there still?—Yes.

4453. And is it carried on under the old system?—I could not answer that.

4454. Was he there in 1869?—I have not the right idea. I am only here since 1878.

Rev. Mr. O'Leary.—He was not.

4455. He has no anomaly as a diocesan schoolmaster?—It appears not.

4456. (To Mr. Hagan).—Is it in Protestant hands or in Roman Catholic hands?—He is, I think, the Protestant curate, I am not quite sure.

4457. He is a clergyman?—I know he is a clergyman, I have had letters from him.

4458. What is his name?—Broughton.

4459. Does he draw the endowment now?—Of course it would be impossible for us to answer those questions.

4460. Lord Justice NAISH.—Where is your school?—It is within a stone's throw of his lordship's house, and held in one of the rooms of the National school at present.

4461. And in whom is the property vested?—In his lordship. He has the title and possession.

4462. It is not vested in the National Board?—No.

4463. Rev. Dr. MOLLON.—You propose that we should incorporate a governing body for the management of this school, in case we could give you an endowment of £200 a year. Of course we should be delighted to give it, if we had it; but supposing we had nothing at present to give, it would be possible for us, nevertheless, to incorporate a body and to vest in that body your building or whatever you have in the way of premises or property; and then that body would be capable afterwards of receiving any endowment from us or any other body, or private benefactions for the purposes of the school?

The Bishop of Ross.—I could not do that. It is already vested, and I don't think I could transfer it.

4464. Dr. TRAILL.—Is it vested in trustees?

The Bishop of Ross.—Yes.

4465. Lord Justice FRINGHAM.—How is it vested in trustees?

The Bishop of Ross.—It is under deed.

4466. Lord Justice FRINGHAM.—Then a matter I was trying to make clear before again arises, and it is this, wherever you have trustees under deed, and a vacancy occurs amongst the trustees, it is necessary, of course, to appoint new trustees and to do so by deed. Now a scheme as settled under our Act has all the efficiency of a deed and of a charter besides, and by the scheme we can create a trust body or corporation for the diocese or parish, or for any institution that will hold the present or future property of an institution for all time without the necessity of any conveyancing.

The Bishop of Ross.—The conveyancing, as far as I can learn, is done by the National Board free.

4467. Lord Justice FRINGHAM.—Is the school here held on premises that are already let on lease?

Rev. Mr. O'Leary.—For the National Board—certainly.

Mr. Hagan.—There is one point that I wish should not be misunderstood. There are four rooms altogether, and there is one of these in which the Intermediate school is held, and to which the Commissioners have assigned all claims whatever.

4468. Lord Justice FRINGHAM.—Trustees cannot hold that property who are merely trustees for the National Board. They could not take, for example, property that would be given to them in trust for the endowment of a school, because they are not a corporate body, and would be obliged to transfer that from time to time. And therefore you understand we could incorporate these trustees for you, not transferring the property in one sense, but in another doing so to that body, and then you would have no more conveyancing.

The Bishop of Ross.—That is a matter that will get our consideration later on, and we shall send any resolution we come to upon the matter up to you in Dublin.

Lord Justice FRINGHAM.—It is only through you we could do that, because this institution is clearly exempt from our compulsory jurisdiction.

4469. Rev. Dr. MOLLON.—The National Board would recognise a corporate body constituted by us, as a fit body to act as trustees for the school. That case exists in Swords.

The Bishop of Ross.—Is that so? Then at this moment there is nothing to prevent us from forming ourselves into a corporate body?

4470. Lord Justice FRINGHAM.—There is this also to be borne in mind, in reference to your consideration of the matter, that our powers which are

Oct. 20, 1887.  
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Edward L.  
Hagan, M.A.

Gr. 20, 1857.  
Edward L.  
Hague, M.A.

very exceptional, expire at the end of next year. We can send you some of the schemes we have settled, and I have reason to believe that your bishops have been considering the matter with a view to forming a body in each diocese that may hold property for educational trusts, and thereby relieve them from any trouble.

4461. *Rev. Dr. MOLLOY*.—Who are your trustees at present?

*The Bishop of Ross*.—The trustees are the Right Rev. Wm. Fitzgerald, the Very Rev. John Fitzpatrick, and the Rev. Peter Hill. The deed was signed May 26th, 1875.

4462. *Lord Justice FERGUSON*.—It might be well for you to remember that if such a body were incorporated here for these schools it would be possible for you to use that corporate body for the purpose of vesting in them other schools and other endowments for education in other parts of the diocese, and therefore it would be a source of great convenience to you henceforward.

*The Bishop of Ross*.—It would be a matter of very great convenience.

4463. *Lord Justice FERGUSON*.—And it would save you a great deal of trouble, and not a little risk, with regard to the educational endowments in other parts of the diocese?

*The Bishop of Ross*.—As a matter of fact the trustees at any rate in schools would appreciate the convenience arising from a general trusteeship embracing all.

4464. *Dr. TRAILL*.—You would not object to an audit of the accounts of the institution as required by the Act?

*The Bishop of Ross*.—No.

4465. *Rev. Dr. MOLLOY*.—In each case we must provide in our scheme that the school shall be subject to inspection, and shall have its accounts audited.

*The Bishop of Ross*.—What do you mean by an inspection?

4466. *Rev. Dr. MOLLOY*.—Such an inspection as required by the National school.

*The Bishop of Ross*.—Oh, that is practically the same inspection as is carried out at present. There would be no objection to that.

At the School, Baltimore.

# BALTIMORE FISHERY SCHOOL.

*Lord Justice FERGUSON made an introductory statement.*

*The Rev. Charles Davis, B.P., sworn.*

*Rev. Charles Davis, B.P.*

4467. *Lord Justice FERGUSON*.—You are Parish Priest of Baltimore?—Yes, for seven or eight years.

4468. How long is it since the project was formed of starting this fishing school?—The project was started in October, 1885.

4469. How did it originate?—It originated in an application to the then Chief Secretary, Sir William Hart-Dyke, to give a certificate for an Industrial School, the principal object of which was to be the teaching of youth in fishing pursuits and the attendant industries.

4470. What steps did you take to conform to the requirements of the Act?—We were promised certificates for seventy-five boys when we had the necessary buildings completed. We then proceeded to collect subscriptions to build the schools, for we could not receive anything from the Industrial Schools Act, as you are aware, until all the buildings and the furniture were complete for the reception of the boys. The application grant would only come into existence after our schools had been visited by the Inspector, and pronounced to be fit and suitable in all their arrangements for the boys; and then, as the guardians of the boys, we would receive £13 a year for each of the boys as a capitation grant. We then commenced to solicit subscriptions.

4471. Who first associated themselves in the effort to obtain subscriptions?—The deputation that waited upon the Chief Secretary, and who were the original promoters of the institution, were—Dr. Fitzgerald, the Bishop of the Diocese, myself, and Sir Thomas Brady, Inspector of Fisheries. Sir John Lubbock accompanied us, and spoke very warmly of the institution, and said that there was no industrial school that he ever visited that would produce such important industrial results.

4472. So far as you know, is this idea of having a school for the cultivation of fishing pursuits and industries entirely a novel one?—Yes, it is perfectly singular in the United Kingdom.

4473. As being an industrial school of a special character?—Yes, for fishing; and the secretary of the Fish Culture Association of London wrote lately in *The Times* stating that we had really started a project which should command universal admiration and imitation all over the United Kingdom; and that we were

commencing to do that which would be of infinite service to the fishery boys all round the United Kingdom—to give them a technical education in their youth in the industry of fishing.

4474. What funds were you able to collect and obtain?—The Grand Jury of the County at their meeting, in March next, after we had started the project, unanimously and cheerfully gave £1,000 as a free grant, and without any obligation of repayment.

4475. That was £1,000 to be levied by Grand Jury rate, I suppose?—Yes. We received a bequest of over £500 left some years ago by a merchant in Dublin, called McGee. It was left by him and remained with the Commissioners of Charitable Donations and Bequests. It was left in their hands because there was no representative body in Ireland of a charitable nature who would carry out the provisions of the bequest—namely, to give technical education in fishing.

4476. Then it was a special bequest for a fishing education?—For the promotion of the fisheries simply. We applied for it to the Commissioners, and the Commissioners unanimously decided that we were the real representative body of the fisheries of Ireland, and headed over the money.

4477. Then I think you also got a grant recently from some other public source?—Yes; we got a remnant of a loan fund which is imperative at present, called the Aghada Loan Fund, and I think the expenses of management of the small sum they had would exceed any interest they might receive. But from whatever reason it arose, the Loan Fund committee have granted us that fund.

4478. Is that the committee of which Mr. Nicolls is the secretary?—Precisely.

4479. What was the amount of the Aghada Loan Fund?—About £300. Mr. Fearce Fitzgerald, who made the application, was very much interested in this loan, and he thought it could not be devoted to a better purpose than in instructing boys in a fishing education.

4480. Have you received that money yet?—No.

4481. How much of the money you have received has been expended on the building?—We received £800 from the Duke of Norfolk.

4452. And, I think, £300 from the Baroness Burdett-Coutts?—Yes; and £300 from the proprietors of the Carbery Estates. And we have received 100 guineas from the Fishmongers' Company of London; 250 10s. from the Corporation of London. We got £100 from Sir Edward Cecil Guinness. In fact, from private subscriptions we have got £5,500.

4453. Was there not also a fund from the Government?—The Government have made a grant of £5,000.

4454. Have you received that?—We have.

4455. Has that been touched yet?—No.

4456. What has been the cost of your building?—The cost of the building amounts in every way to about £4,000—for furniture, clothes and all.

4457. And you have it now ready to receive seventy-five boys?—Yes.

4458. How have the governors been constituted, or have they been constituted at all?—We have commenced with, as every other government does in the beginning, a very few in number. The Bishop, who is present, myself, and Sir Thomas Baily, were the three first trustees. Then we added the proprietor and the principal trustees of the Carbery Estate—he is the brother of Lord Carbery, the Hon. William Ffells, that is four. Then we co-opted Mr. Carbery, who is a County Magistrate, residing in Queenstown, who has been very actively engaged about the coast in many ways. Then Mr. Burdett-Coutts himself requested to become one of the trustees—that is the husband of Lady Burdett-Coutts—and finally we have made a proposal to co-opt another gentleman, who would be the seventh, and he will most probably be co-opted on Saturday next, when we hope to hold a general meeting of the trustees—that is Mr. Vincent Baily who is a director of the Munster and Leinster Bank.

4459. Then the matter originated in the voluntary efforts of three gentlemen, who have added four more to themselves when they co-opted with them as the work went on?—Yes.

4460. Would you now tell us how the lands are held on which the house is built?—The whole extent of the land is about eight acres, and on it was a residential house out of repair. You passed it on your way down. We have the use of that for the superintendent—at least we have him living there now. We hold the whole site of this, with the other house that had been built before, for 255 a year, under a lease for ninety-nine years, from May, 1838, for the purposes of the school. The lease is made to the Bishop, myself, and Sir Thomas Baily.

4461. How do you propose to dispose of the portion of the money that has not been spent on the building?—Of course the appliances necessary to teach the fishing industry to the boys are expensive. It is on the line the teaching of ordinary trades that are as a rule taught in industrial schools, because it requires plant of a peculiar kind. There is no such thing in Ireland, for instance, as a net factory. It will cost us, for the proper machines, about £1,500.

4462. That includes both building and machinery?—There is not a machine in Ireland at present, and all the nets we use are made by machinery. There was a Scotch gentleman came here last year, and he sold £3,000 worth of netting to the people about here. Of course we could not make these nets if we had no machinery.

4463. We based of one in Kinsale?—There is one there—there is one solitary machine in Kinsale for the last twelve months.

4464. Rev. Dr. Mooney.—Worked by a woman from the Isle of Man?—Yes.

4465. Lord Justice Fitzgerald.—Besides not making what other industry do you propose to carry out here?—Fish curing. There is no fish curing establishment worthy of the name. We are importing all our cured fish, except the little that is cured in the country. We have to import a quarter of a million's worth of cured fish.

4466. Into the whole of Ireland?—Into the whole of Ireland.

4467. What kind of fish, caught off the coast here, can be cured?—Herrings, mackerel, hake, ling, and cod.

4468. What is the fishing season?—There is a fishing season at this moment. They are taking large quantities of fine mackerel.

4469. What outlet is there at present for the fish?—Very little, because there is only one person who has storage sufficient to enable him to buy them here, but there would be a very important outlet if our school was working.

4470. There is no curing at present?—It is cured by the people themselves for the local market.

4471. In their own houses?—For their own consumption, and for the local markets. The only curing that has been done in Ireland with any system has been done in herrings off the coast of Waterford this season by one Englishman, who was buying herrings fresh. He found it would be worth while to cure them, he brought over a dozen Scotch women, and he is sending them to Scotland and England, whence they are coming back again to be cured. They are taken off the coast, cured by Scotch women, sent to Scotland, and brought back from Scotland to us to buy—our own fish.

4472. You have not yet built the portion of your premises in which you are to carry on your curing operations?—We are just about to build that part. We have obtained estimates and plans and specifications for the building, and it only requires a fresh meeting of the trustees to commence. This part of our buildings we hope to have ready for the next spring's fishing.

4473. When do you expect your pupils to arrive?—Next week a detachment of them will come.

4474. What system has been followed in selecting the boys that are to be sent here?—We will not receive all boys. We will not receive any boys, except those connected with the coast.

4475. Are you getting boys from all parts of Ireland?—Yes. We prefer to get them from all parts, rather than to confine them to any one particular locality, because we don't intend to make anything by the concern—only to extend all over Ireland the knowledge of fishing—that every place might become just as favorably situated as the rest would be to get the benefits of this philanthropic work.

4476. What arrangement do you intend to make with regard to the selection of teachers?—We have got one from Arona.

4477. Is he a National Board teacher?—He is a certified National Board teacher of the second class, and he has a certificate in navigation, drawing, and music.

4478. You got him from Arona?—He is employed in Arona at present, but he prefers to come here to us, and he is coming on Monday.

4479. What arrangements have you made with regard to technical teaching?—With regard to that, in addition to fish curing and the making of nets, there are other attendant industries that would follow—carpentry, the making of coaks for holding the fish, coopers, making boxes, and so forth. An English gentleman told me that, if we could proceed to make 5,000 boxes for him, he would take them, that he would prefer to take them from us than pay the carriage from Liverpool. Some of them are made in Cork, and a great quantity are sent from England made. He told us to make 5,000 and he would be happy to pay for them, but of course we were not in a position to do it.

4480. Where do you propose to bring the teachers from?—Wherever we can get them best; from Scotland or the Isle of Man. We must go out of this country for them. In the first instance; the industries are simple in themselves, but to persons who don't know them they are—for the first moment they

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appear to be most difficult. They are easily acquired. We won't want those teachers long.

4510. You are not advanced enough to get those teachers yet?—No; we can get them at a week's notice.

4511. How soon do you expect to get the industrial and technical training into operation?—Not making will commence before the 1st of January.

4512. Where do you intend to put the not making machine?—We intend to make a building to form a quadrangle with the original building.

4513. Do you expect the work will be done so soon?—Oh, yes. The foundation stone of this school was laid in September, 1886, and it was opened in May, 1887, as you see it—at the end of May, 1887. The contractor did his business very quickly.

4514. Dr. TRAILL.—What class of boys are you to get?—The boys must be committed to any industrial school, and as we proceed to establish our industries we will take boys that won't be committed; for this reason, that when our industries are established, their labour will pay for their maintenance.

4515. You will charge them fees?—Well, we would prefer, naturally enough, to get a fee, or a little towards their education or maintenance, but I think myself that the time will come very shortly when the boy's labour—as in the case of the servant of a farmer—will pay for his maintenance and clothing.

4516. How long do you propose to keep the boys?—Industrial boys will be kept until they are sixteen years of age.

4517. From what age?—From any age—nine or ten.

4518. Will you have more beds occupied in the house than the seventy-five that are certified for?—We could have 130 at present.

4519. Lord Justice FRANKLIN.—In the existing building you have accommodation for 130, and the building is so planned that you can extend it at any time?—Yes.

4520. What domestic staff do you intend to have?—First we have a superintendent, who is on the premises at present. We have a superintendent, and his wife acts as matron, and they live in the institution.

4521. What expense will they be?—Their salary will be £80 a year for the two, with rations, residence, fuel, and everything.

4522. And will the matron superintend and have charge of the domestic arrangements of the house?—Yes.

4523. What servants have you got?—She will have two servants to attend her. In a short time we expect the boys will do all this. They will cook, bake, and attend table, and they will make their own clothes. We propose to send them out of school just fit to take their places anywhere.

4524. Do you intend to teach such trades as tailoring and shoemaking?—We really, as far as we are concerned ourselves, that is our intention in some degree. We will teach a few boys—we intend to do that.

4525. But at present your desire is to give the boys an attraction towards the sea?—We won't touch those trades, for the purpose of increasing our funds—or teach them at all, except for our own immediate wants.

4526. Will you take in Protestant boys as well as boys from Catholic schools?—Yes, we will, and we are obliged to by the terms of our lease. They will come into the school at early morning. If they lodge outside they will be kept under the care of their own clergyman at night and morning, for prayer, for instance. They will sleep outside under the charge of the Protestant matron, but after they come into the institution, in the morning we treat them as the other boys are treated, of course, during the day.

4527. As far as your training, teaching, and educating is concerned, it will be an open National school

during the day, and a boarding establishment during the hours of rest?—Yes. It would be most in conformity with our intentions. It would be cruel to keep Protestant boys in the establishment. Under the circumstances we could not keep them as industrial boys—not properly as industrial boys at all—I mean to say under the Industrial Schools Act.

4528. You would not be certified under the Industrial Schools Act for them?—Quite so.

4529. What allowance are you entitled to under the Act?—£13 for each boy under the Government, and 1s. 6d. a week to ordinary industrial schools the Grand Jurors give, but it is probable that they will give us for some time more than that.

4530. I believe the amount varies according to the various counties?—Some of them don't give anything, and some give half-a-crown.

4531. Is 1s. 6d. the amount given up to the present?—Yes, by the County Cork Grand Jury.

4532. But you will try and make a case for a special grant?—I am sure that the Grand Jury are very well inclined to do anything they can for us. If they can possibly raise the allowance for us, I am sure they will, especially as the coast of the County Cork is the principal part of the coast that is teeming with fish.

4533. Have you any invested money now?—We have £5,500 from the Government. We have not invested it, it is in bank.

4534. Do you propose to lay out the whole of that as capital?—Well we don't—at least as far as I can ascertain the mind of the trustees. We will keep something back—say £2,000 of it, if we can possibly keep it back, to sustain us—as a back to sustain us in case we meet with any disappointment for some time. I think with £3,500 we shall be able to start the industries at present.

4535. Dr. TRAILL.—How do you propose to invest the £2,000?—We have come to no arrangement at present.

4536. Rev. Dr. MCELROY.—Do you propose to have anything in the way of boat building?—Yes.

4537. You will have a ship carpenter to teach the boys?—Yes, and also we will have three large fishing boats attached to the institution.

4538. Will they be the property of the Institution, and manned by the boys?—Yes, they will be the property of the Institution, and manned by boys as far as possible. We will have half the crew, of course, men. We would not put boys into a large boat of this kind. We will have three boats from time to time at work. We will have four men in each boat, and five or six boys in addition. We can draft them out, and we can now and again send them out to sea in fine weather.

4539. And teach the boys practical fishing?—Yes, of all kinds, trawling, and fishing for mackerel and herrings. We intend to have a steam launch also to bring the fish from the boats speedily ashore.

4540. Lord Justice FRANKLIN.—What use would you make of that?—We could put it to a great many uses. We could use it to tow our boats in calm weather, and also, as I have already said, to go out and get fish from the boats.

4541. To collect the fish from the other boats?—Yes. It would be very useful to collect the fish for us, and we could save money in the way of carriage by sending up the steam launch to Skibbereen with fish by water, and it would be generally useful to all the fishermen who frequent the port.

4542. To tow them out by your steamboat?—Yes.

4543. What is the first open fishing season?—About the 10th of March, when mackerel come in a great shoal from the west.

4544. How long does the spring mackerel fishing last?—Until the middle of June.

4545. And by that time the herrings have arrived?—Yes. They continue here, and our people have not gone away from their own homes until within

the last few years. They stop fishing here, and they have been induced to go away seeking herrings, and they have gone.

4546. Their fishing fleet follows the herrings?—Yes, they are just about returning.

4547. How long does the herring fishing last?—It begins at the close of the mackerel season—about the middle of June, and lasts about six weeks. I think it would last longer if they remained fishing, but if a fisherman knows that there is any other fish elsewhere, that one goes off, and the others follow suit.

4548. As a matter of fact, don't they fish their own waters sufficiently?—I think not. They sometimes follow other boats very injudiciously, because they will follow one boat even that will start the trail, and I have known them to leave the herrings after them. As for the mackerel, we had no idea that there would be such large quantities to be taken at this time of year.

4549. Are they catching mackerel now?—They are taking 4,000 and 7,000 a boat.

4550. When does the winter fishing begin?—We have very little winter fishing.

4551. Have you any winter herring fishing?—Very little of it. The herrings are not very numerous on this coast in winter. Sometimes a good many come in frosty weather—about Christmas, but this is not a winter herring fishing place.

4552. Rev. Dr. Moulton.—What about hake?—We have hake at all times when there is weather. There is hake at present, and will be until Christmas if the weather is fine.

4553. Are ling plenty?—They are very plenty about the beginning of the year—from the 1st of February, as long as they can get bait to 350 them. Even now ling are very numerous, and at the beginning of the year, right on the coast.

4554. We saw great quantities of hake in Kinade yesterday—how long do they remain?—Hake come about August, and they remain, if the weather be fine, until Christmas.

4555. Lord Justice FRANKLIN.—Hake fishing would fill up a good portion of the remainder of the year after the herring fishing was over?—Yes.

4556. Can you cure mackerel and herrings?—Yes, they have been doing so since the 1st of August—the Scotchwomen have been curing them in Dungeness. We got a letter from Macdonald, who is the principal salesman in Liverpool, and who stated that if we had 5,000 barrels of mackerel we could get a good market for them at once in the United States. As it is, they are sent to the West Indian Islands and other places. In Paris they call them *Mégarmont de Mer*—it is susceptible of such variety of cooking.

4557. Is it easy to cure that fish?—It is very easy to cure it for the home market. It is a fine course fish. I have not seen the particular instructions as to how to cure it for the foreign market.

4558. Is it a good fish?—It is, for common people.

4559. And there is always a market for it?—Yes, there's a market for 60,000 barrels of it.

4560. Lord Justice NAIRN.—Ling comes from the north of Scotland?—I don't know where it comes from. The Irish fishermen procure under a great disadvantage in winter all along the coast for want of bait. In other countries they cultivate bait fields, mussel beds, and whelks.

4561. There is, I believe, a great quantity of mussels imported from Scotland?—Yes, they cultivate mussels for bait.

4562. Rev. Dr. Moulton.—Is not ling imported into Ireland from Shetland?—Yes, the Scotchmen generally bring it from Shetland; but the principal cure, the leading cure that can be got, comes from Newfoundland. I may speak of ling as one of our rosters. There is no end to the quantity of ling that I see small yachts bringing into our harbour at the beginning of the year, but farther on the ling begin to go away.

Ling is abundant upon our southern coast line, but not infrequently boats have to wait for the mackerel to be taken in order that they can get bait to take the ling with. If they could have bait they could take any quantity of ling.

4563. Do you propose to establish the cultivation of bait?—Yes, we have it in our ideas at all events to learn how it is cultivated.

4564. Lord Justice FRANKLIN.—How do they get bait at present?—They have mackerel salted for the last month trying to induce the hake to take it. Sometimes they get sprats, but yellow salt mackerel that you would not look at—a hake when he is hungry will go at—and that is what they usually give him.

4565. Is there any lobster fishing?—There is one of the greatest lobster fisheries in Ireland here.

4566. I presume you will teach the boys how to make lobster pots and crab pots?—Certainly—we will not omit a single industry connected with fishing—not a single industry. Of course the boys must receive a literary education, but while getting that literary education, and while it will receive a modern application, it will also, if I may use the expression, have a smack of the sea.

4567. You must first begin by teaching them reading and writing?—But if we could get educational books in fishing—to make them spell "net" instead of "o-e-t," that sort of thing is very much wanted in a country like ours, so as to give their minds a tendency towards sea pursuits and fishing pursuits.

4568. How do you intend the place to be governed?—We wish to incorporate ourselves in the manner in which your Act enables us to provide for the incorporation of those seven trustees—to incorporate us as a body.

4569. You appear to have two of your trustees ex-officio. Do you desire to continue that, or to have the whole body a co-opted body?—The present trustees are all acting men. There is no distinction between them. We have no honorary trustee at present. Each man bears his own share of the responsibility he is supposed to bear. We have no honorary trustee among the seven.

4570. You are the corresponding manager under the Industrial Schools Act?—Yes.

4571. Rev. Dr. Moulton.—The bishop and the parish priest might be made ex-officio members?—If a vacancy occurred, I think we should have the power of co-opting the surviving members.

4572. You propose that the bishop of the diocese should be at all times a trustee?—Yes, and the parish priest.

4573. Should you not think it desirable that the Reverend Bartlett-Gentle should have the right to nominate one member while she lives?—Her husband is one at present, and he is acting at present.

4574. But she may survive him?—Precisely, but it is not likely.

4575. Lord Justice FRANKLIN.—Their estate is represented always?—Yes.

4576. We simply want to get from you what your views are as to the governing body, because we can incorporate what you want as a permanent body?—There is a provision in the lease that one should be the governor of the school and he, of course, goes down as one of the trustees.

4577. There is another source of representation that we are trying to encourage, and that is in the case of subscribers or contributors to the funds of an institution such as this. Do you think anything of that kind could be introduced with advantage?—Our subscribers are so far apart that it would be difficult to do that. We have no local subscribers, and I think it would be impossible to get information from them they are so far apart. It was in England that we received most of our subscriptions.

4578. There is another provision sometimes made that people subscribing considerable sums of money

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might nominate a pupil subject to the consent of the incorporated body. Do you think that would help you to get subscriptions?—To show you that we have no objection to do that, in the case of the Aghada Loan Fund, I forgot to mention that a condition on receiving the money was that we were to receive two boys from Aghada into our school—from Aghada or Whitegate in Cork, to which this loan fund was originally devoted. They said they would give that to us on that condition, and we said we would receive the two boys.

4579. Who were the persons who were to have the nomination of those boys?—I think Mr. Fearon Fitzgerald.

Mr. J. Corbery, &c.—Mr. Fearon Fitzgerald and the Rector of the Parish.

4580. Lord Justice Fitzgerald.—Are those gentlemen the loan fund trustees of that place?

Mr. Corbery.—Yes.

4581. Lord Justice Fitzgerald (to Rev. Mr. Davis).

—Were the boys to be nominated committed boys?—No. We are not confined to committed boys under the Industrial Schools Act.

4582. Dr. TRAILL.—Do you apprehend any difficulty about boys that have not been committed under the Industrial Schools Act having any objection to go into a building with boys who have been so committed?—I should think there may be such objection. We have only to ensure that.

4583. Do you propose to separate them in the dormitories?—No, not at present.

4584. Lord Justice Fitzgerald.—We saw one institution in which it was impossible to discriminate?—Yes, because they will be clad and fed well, and they cannot expect anything more. The poor industrial boys will receive the same kindness and attention as if they were being paid for at the rate of £100 a year. That sort of thing might arise if they were aware of the surroundings of one another or that we had a bad class of town boys. But this is a case of boys being brought together from the corners of Ireland all round, and it is only when you bring boys of low origin into contact with other boys from the same district that such an objection as has been referred to by Dr. Traill can arise.

4585. It will also make a very great difference, because what a boy is committed for under the Industrial Schools Act is not a crime, otherwise he would go to a reformatory at once?—No, it is not a crime at all.

4586. Rev. Dr. MOLLOY.—Are we right in understanding that your present trustees would desire to get themselves incorporated under the powers of our Act?—Yes, I think I speak the opinion of all the trustees.

4587. Lord Justice Fitzgerald.—I may tell you we cannot deal with any institution that is exempt without the written consent of the governing body?—You may take it as our wish that you would prepare a draft scheme if you wish to incorporate us, and then, of course, after we see that, it will be competent for us to decline or accept.

4588. Dr. TRAILL.—Are the Grand Jury represented on your board?—No.

4589. Would you wish them to be so?—I don't see any necessity for it. It would be a source of trouble to say men they would appoint to be coming to our meetings.

4590. Lord Justice Fitzgerald.—I presume it would be advantageous to put a power into your scheme to put a representative thereupon—in other words, to create a money franchise?—Yes.

4591. Have you any grand juror living in this part of the country who takes an interest in the fishing

industry—a man like Mr. Fearon Fitzgerald?—Mr. Fearon Fitzgerald is very far away. The O'Donnovan, of Lisard, takes a great interest in the fishing, and he subscribed £350.

4592. Professor DOCUMENTY.—They gave you this contribution as for an ordinary industrial school?—They never gave it before to an industrial school.

4593. They have power to do so?—Yes.

4594. And the Grand Jury gave this grant because you were an industrial school for the promotion of the fishing industry?—It was because we were a fishing school.

4595. Dr. TRAILL.—Would there be any objection to adding the name of The O'Donnovan in the first instance?—I am not in a position to say—we thought that seven would be an excellent number.

4596. If you are taking representatives of the different donations of money that have been given, I don't know why you should omit the Grand Jury. It seems a large sum to get?—From the Grand Jury?—

4597. Yes. You have the Bessons Barlett-Scotts and the Corbery Estate—you pay them a large sum of money, and they only gave you £200?—But they made it a condition of the lease that it should be so.

4598. Lord Justice NABH.—As I understand it, the gift from the Grand Jury was free?—Absolutely free, and they required no account as to how it was spent. Mr. Frodo is the principal resident gentleman here, and he has a large manor in which he and his family reside, called Castle Frodo.

4599. There should be a provision that some one of the trustees should be resident in the neighbourhood, so as to be able to go and inspect and visit the school from time to time?—I am in that position, and the inspector from the Government comes down periodically to see into the inspection, and to ascertain that the boys are well treated. He comes down periodically, and we must be prepared for his visit at all times.

4600. Rev. Dr. MOLLOY.—Mr. Frodo represents the estate?—As a present he does.

4601. Is he the owner of the estate?—He is the trustee.

4602. The owner of the estate may at some future time live here?—I have no doubt he will.

4603. Would you have any objection to our taking this course—that the owner of the estate should have power to nominate a representative, either himself or somebody else, as he pleases?—He is one at present.

4604. Lord Justice Fitzgerald.—But remember, we are only speaking about succession?—Yes. Then in the lease I told you of that is provided for.

4605. Rev. Dr. MOLLOY.—What is provided for in the lease?—It is provided that the trustees may appoint a person in their own place, or one of the trustees may take the place himself—that is one of the trustees of the estate.

4606. That is that the proprietor of the estate may nominate a representative, or he may be his own representative?—We would only have one; we would not give him the power of nominating a second. That is, he may himself act, or a person nominated by him. We may prefer that person not to be appointed—we would prefer him to be one of the family. We would have a decided objection to have anyone outside of the family.

4607. Where is the lease?—I have the lease.

4608. We should want to get a copy of it?—Yes.

4609. That and a list of the funds would be practically all that we should want?—You shall have that information with pleasure.

4610. And the names and descriptions of the trustees?—We can give you that also.

Joseph E. L. Carbery, J.P., sworn.

Oct. 26, 1887.

Joseph E. L. Carbery, J.P.

4611. Lord Justice FITZGERALD.—We should like to get some information with regard to this institution and its prospects from you?—I think the information you get from Father Davis exhausts the subject.

4612. Lord Justice FITZGERALD.—What is the connection you hope to establish in business for this place—in the way of trade?—I think we will establish trade, not only for the promotion of the fishing industries, but for the benefit of the country in general, if we succeed, as we have every hope to do, in establishing a curing depot in this school. We shall establish a trade in the country which, in itself, will be of very great advantage to the interior, apart altogether from the seaboard.

Rev. Mr. Davis.—There is no reason why we should not compete with other persons engaged in fish-curing, net-making, and all those fishing industries. There is no reason why we should not successfully compete with them—for this reason, that we have the labour for nothing.

4613. Professor DOUGHERTY.—Have you any business manager in connection with the establishment?

Rev. Mr. Davis.—We cannot have that until we start the industries. The person in connection with the superintendent will be led into it by the instructions. Such an industry as this, of course, may be, as industrial schools are, supervised by individuals.

4614. Lord Justice FITZGERALD.—What we desire to do is to give you an outlet for what you make. How do you propose to get an outlet?

Rev. Father Davis.—I told you in my examination that there was a quarter of a million's worth of fish imported into Ireland.

4615. Lord Justice FITZGERALD.—Is that the value in pounds sterling?

Rev. Father Davis.—That is the value in pounds sterling. Why should we not organise markets in Ireland where we can supply fish to them?

4616. Lord Justice FITZGERALD.—That would be the duty of your local manager.

Rev. Father Davis.—Exceedingly. We will send a traveller round to each market in the interior. They have only to telegraph to us and we can send them any quantity of fish they require as soon as we learn from them.

4617. Lord Justice FITZGERALD.—The provisions we should have then to make for you would be to enable you to appoint business people to conduct those things for you?

Rev. Father Davis.—We can do that. They are complaining very much that they can get no fish.

4618. Rev. Dr. MOLLOY.—I understand you propose to carry on here not merely a fishery school, but a great industrial establishment?

Rev. Father Davis.—Precisely so, as far as fish is concerned.

4619. Rev. Dr. MOLLOY.—On commercial principles?

Rev. Father Davis.—Fish curing on commercial principles and net making.

4620. Lord Justice FITZGERALD.—The best way we can do that is to give you the power and to leave the particular means by which you will carry it on to the discretion of the trustees.

Rev. Father Davis.—Yes, because the carrying out of that may vary from time to time. We could not make any hard-and-fast lines.

4621. Mr. Carbery (to Dr. Traill).—You made a remark that you considered the grant from the Grand Jury rather large.

Dr. Traill.—Not at all. I would be very glad to see it twice as large. I was only comparing it with similar grants from others.

Mr. Carbery.—But you must consider that a considerable portion of the country Cork is on the seaboard.

4622. Dr. Traill.—It is not at all too large a grant. With reference to the Grand Jury—in the way of representation—if they asked for representation, having given £1,000, they would be fairly entitled to it. The Barrowen Burdett-Coutts got representation, having given only £200. Of course she is a special case.

Rev. Father Davis.—Yes.

Mr. Carbery.—I must say we were very badly supported in the way of private subscriptions.

Rev. Father Davis.—We didn't make any great effort to collect subscriptions.

4623. Rev. Dr. MOLLOY.—I was not quite clear as to whether the £3,800 you received from subscribers included the £1,000 from the Grand Jury.

Rev. Father Davis.—It does.

4624. Rev. Dr. MOLLOY.—And all the other sums you mentioned?

Rev. Father Davis.—It includes all sums, independent of the £3,000 we received from the Government.

Rev. James Jones.—Father Davis has stated very clearly and fully all that is to be said on the subject.

# TULLAGH PAROCHIAL SCHOOL.

Rev. James Jones sworn.

4625. Lord Justice FITZGERALD.—You are Rector of Tullagh?—Yes.

4626. How long have you held that parish?—Twenty-eight years last July. I was ordained for the parish, and I am here still.

4627. What is the extent of the parish?—From this to Lough Hine, I suppose about four square miles on the mainland. It takes in Cape Clear and Island Sherkin.

4628. What is the number of the Protestant population of the parish?—153.

4629. Where is the church?—The church is in the village of Baltimore.

4630. The endowment that we have in the report is an endowment of two ponds of land, and some trust fund under the will of the late Lord Carbery?—Yes. The amount is £242 5s. 3d., and the yearly interest is 27 4s. 4d. It is invested in the funds in the names of the Bishop of Cork and the Archbishop of Ross for the time being.

4631. Is the rector of the parish not one of the trustees?—No.

4632. Who pays the money to you?—I get the money from the Bank of Ireland.

4633. How is the school conducted? Is it in connection with the National Board?—No; it is in connection with the Erasmus Smith Board, and the Church Education Society.

4634. Do they give you any grants at all?—They do. The Erasmus Smith Board give me £25, and the Church Education Society £5, and I get more from other sources.

4635. What is the number of children attending at present?—The number of children on the roll at present is twenty-four, but that can be hardly a criterion as to the general number, because if children are absent for a month we take them off, and if they come again we put them on. That is in accordance with the rules of the Board. The numbers also change monthly. The number on the roll, in accordance with the rules

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James.

of the Board, or the wishes of the Inspector—the number on the roll is taken from the attendance on the first day of the month.

4636. What Board do you speak of?—The Erasmus Smith Board; they have given me a sort of premium more than once for the teacher. I have got it three times, I think.

4637. How much would you be able to get for your school if you were in connection with the National Board?—I think I would be able to get very little. I am getting far more than if I was in connection with the National Board. The other grants might be withdrawn if I joined the National Board. The £5 from the Church Education Society, £4 from the Irish Reform Society, £3 from Lord Carbery, a private subscription, and £1 from The O'Donovan.

4638. Have you one teacher?—Yes; a female teacher.

4639. Where was she trained?—She was trained in Banlon.

4640. She is not classified under any system?—No; she is not.

4641. How long has she been here?—Eleven years last month.

4642. How is the land held on which the school stands?—With regard to that the school was built in the year 1833, by the late Lord Carbery, and it consisted of a centre, as a residence for the teacher, and two wings. One wing was intended as the female school, and the other for the male, but one was always found sufficient, and the other was never used, and that wing was generally let by the teacher, but about four years ago we were deprived of it by the trustees.

4643. If it was given to you how were they able to deprive you of it?—I do not understand that, but Mr. Stewart, the agent, informs me that there was a lease but that he cannot find it. The land, as well as I understand it, was let to the clergyman at 1s. a year, on condition that if it ceased to be used for the present purpose it should revert to the owner. But the lease is not forthcoming. We never paid any rent for the school at all from 1833, and how the land came into our possession I cannot exactly tell you.

4644. It is also stated in a former report that there was an original bequest of £600 of which only £217 10s. had been received?—So I understand.

4645. How does it come that you have not got the remainder of the £600?—I don't know. The money was not forthcoming. (Document handed in). That was a document sent to me by the Manager of the Bank of Ireland in Skibbereen sometime since.

4646. You have not got a copy of Lady Carbery's will?—No, I have not seen it.

4647. Who is the agent of the estate here?—Mr. Stewart, son of Mr. Stewart, of the firm of Stewart and Kinzail.

4648. The agents are in Dublin then?—Yes.

4649. Have they not the Carbery documents there?—But Mr. Stewart says that all deeds in connection with the school are lost.

4650. In cases of this kind we have endeavored to form a parochial body to see that the endowment is not alienated from the original purpose?—That is what I want to ask you about. How can I consider it our house or land if the trustees of the Carbery estate claim it? but still as long as it is used for the purpose for which it is intended they will leave it with us.

4651. The utmost we can do is to vest whatever property actually belongs to the school in a corporate body to hold it. We cannot give you any property that does not previously belong to you. In the report for 1856 it is stated that Lord Carbery had made a presumed grant of a house and half an acre of land.

In the report for 1880 it is stated that Lord Carbery made a grant of a house and land, so that there does not appear to be any actual document in existence?—Then how am I to consider the house or land as an endowment or not?

4652. How long has the mistress been in possession—Does she live in the house?—No.

4653. Dr. TRAILL.—I thought you said she lived in the schoolhouse?—No, it is let to a family.

4654. What sort of a family?—A policeman's family—a policeman and his wife.

4655. Has he signed any document?—I don't think so.

4656. Lord Justice FRANKLIN.—How far is it from where we are?—It is close to you. I will have pleasure in taking you down.

4657. Dr. TRAILL.—How long has he been there?—I don't know.

4658. Is he on duty, or is he a retired policeman?—He is on duty.

4659. Lord Justice FRANKLIN.—What salary does the teacher receive?—From all sources, £55 18s.

4660. Dr. TRAILL.—Is she a good teacher?—Indeed she is.

4661. How long have you been in possession of the school?—I have been twenty-eight years in possession of it, and I understand no rent has been paid for it, and it has been built since 1833.

4662. Have you had it the whole time you have been here?—Yes, I was curate part of the time.

4663. Professor DONOVAN.—Who built the house?—It was built by the late Lord Carbery.

4664. Lord Justice NAUGHTON.—Do you know if there ever was a lease?—Mr. Stewart told me there was a lease, and that it was let to the clergyman at 1s. a year and that the lease is not forthcoming.

4665. Did he tell you for what length of time it was?—He didn't tell me, but I imagine that as long as it was used for the purpose for which it was built it would not be taken from me.

4666. Lord Justice FRANKLIN.—If you have been living there for over twenty years and no rent paid, it appears to me to be a case in which you could hold possession?—I considered it an endowment.

4667. Lord Justice NAUGHTON.—Did the trustees claim it as part of the estate?—Yes, and they required the house from time to time, but not often.

4668. Dr. TRAILL.—When you wanted it repaired did you ask them to repair it?—I asked them to repair it once.

4669. When did they repair it last?—They put up a gable in the schoolroom, but I cannot exactly say when, but I suppose about two or three years ago.

4670. Did they ever touch the roof?—They did about twenty-seven years ago—they put up a new chimney.

4671. If the owner of the estate was a member of the Church, would you not have him to represent the estate?—The owner of the estate regards it as his property.

4672. If this was settled either way and we were making a governing body, would it not be a reasonable thing that the owner of the estate should have one representative?—Yes.

4673. Lord Justice FRANKLIN.—Do you know how the trustees held the estate?—I do not know, but with regard to the wing that they took away they promised that, in case we ever wanted it, they would restore it.

4674. When did they take that wing away?—In 1831-4.

4675. How many trustees to the estate are there?—There are two—the Hon. Mr. Freke and Captain Peery Bernard.

## PUBLIC SITTINGS—FRIDAY, OCTOBER 21, 1887.

## At Middleton College

Oct. 21, 1887

Present:—The Right Hon. Lord Justice FITZGERSON, and the Right Hon. Lord Justice NAISH, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., D.S.O., ANTHONY TRAILL, Esq., M.D., M.B., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, junr., was in attendance.

## \*MIDDLETON COLLEGE.

Albert A. Burd, M.A., sworn.

4674. Lord Justice FITZGERSON.—When were you appointed to the head mastership of this school?—In 1882.

4677. Where did you come from?—From Ennis. I was assistant master at Ennis, and previously at Dundalk under Dr. Flynn.

4678. How long had you been at Dundalk?—I was two years at Dundalk, but I then went away from Ireland for sometime. A couple of years I was in England and abroad in Germany, and I was four years after that in Ennis.

4679. Were you engaged in teaching in Germany?—No, I was doing nothing. I was teaching in England, and in Germany I was studying the language.

4680. Where were you educated yourself?—I was educated in the Wesley College, Dublin.

4681. And did you go to any University?—Yes, to Trinity College, and graduated there, obtaining Scholarship and senior Moderation at Degree.

4682. How many pupils have you at present here? I have seventeen boarders and thirteen day boys—thirty altogether.

4683. Have the numbers fluctuated since you came?—When I came I began school with two boarders, and at the end of the first year I had six, and since then they have gone on slowly increasing. I had eleven the next year, and I had the same number for about a couple of years and last year. I have the numbers here for the last three years—on the roll October, that is this date, 1885, the entire number is 19—4 boarders and 15 day pupils; October, 1886, 13 boarders and 11 day pupils; and at the present date, October, 1887, 17 boarders and 13 day boys—six being free. I have the largest number of boarders I ever had.

4684. How are the free boys admitted?—By the nomination of the trustees and visitors.

4685. Who are the trustees?—Each in his turn nominates. The trustees are the Protestant Bishop of Cork, Lord Middleton, Lord Shannon, of Castlemary, Captain Baily, of Killesno, the Rector of the Parish, the Rev. Dr. Moore, and Mr. Fitzgerald, of Corking.

4686. Do you know how the trustees are appointed?—I do not. I think they are co-opted, but I am not sure.

4687. What are the fees paid by the day boys?—Ten guineas.

4688. The free boys are all day boys, I presume?—Yes, all day boys. Ten guineas is the nominal fee. These brothers are taken for eight guineas, and sometimes, under special circumstances, I make a considerable reduction even on those terms.

4689. What are the fees for the boarders?—The fees for boarders are £40 a year, with extras, and they bring it up to about £44; and then brothers are taken for £27 a year, and under special circumstances I make further reductions.

4690. What do you mean by special circumstances?—When parents are not able to pay.

4691. Where do your boarders come from?—Chiefly from Cork, but not altogether. There are some from the Queen's County, and other parts of the country, I have two boarders from the Queen's County, but they are chiefly from Cork, and the neighbourhood of this county. The majority are from this county.

4692. What assistance do you get from the endowment?—Well, I get from the endowment a salary for myself of £95—£100 Irish—and two allowances of £50 each for masters—that is £195 in all.

4693. There is also an allowance for the repair of the school-house?—Yes, a considerable sum of money.

4694. Is that paid to you?—There is no allowance to me. The governors undertake to keep the school-house in repair; there is no allowance made to me for that purpose.

4695. How are the repairs usually done?—If the premises have been injured in any way—for example, by a storm or anything of that kind, they repair them. And also, if they are wearing I have them done myself. I take upon myself to have them done, and I tell the secretary, and they generally allow that. But, as a rule, the repairs are generally done in this way—the architect comes round every year, and goes over the school and examines the state of the building, and authorizes any repairs he considers necessary, and these are carried out.

4696. Have you anything to do with the carrying out of these repairs?—Nothing, except this, that I make arrangements with the contractor, a man called Coffey; he generally does them, and I see that they are done properly, so far as I am—that is all.

4697. There was also formerly an allowance for exhibitions?—There is still an allowance for exhibitions. There is an allowance of £50 a year—that is to say, for boys who distinguish themselves in their entrance examination at Trinity College—who get the junior exhibition for getting a high place at the entrance examination.

4698. What other allowances of the same kind have been hitherto granted?—No other allowances. The £50 is the only allowance. There is one exhibition, or it is properly called a prize of £30, and another of £20. They are given in one payment. They don't go beyond a year. The prizes are not of very much benefit. I don't think they are large enough to induce boys to enter Trinity.

4699. Have you always had boys qualified to enter for them?—Some years we have not had a boy going on. In those cases they are not paid.

4700. What becomes of the money?—The money is saved and it is kept to the account of the school, and added to the funds that the Clero-street Commissioners have; I can give you the Report of this year.

4701. What source of education have you?—We prepare boys for the Universities as a rule.

4702. What proportion of your boys go to Trinity College?—Well, I have not made it up, but I should say the best boys in the senior class generally go. Some of them go to the Royal University. I could not say exactly what proportion of the whole number

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of pupils but I should say not half, because of course a large number of the boys I have, leave before being qualified to enter the senior class.

4703. What do they usually go to?—They go to banks, and some go to business.

4704. What is your teaching staff?—I have three masters, three resident masters. One is a graduate of Oxford, an exhibitioner and obtained honours, at degree examination, and the two others are undergraduates of Trinity College—one is an honor man and junior exhibitioner, and the other is also an undergraduate.

4705. What are their salaries?—The senior mathematical master has £80 a year, and board and residence, the next has £50 and board and residence, and the next has £35 and board and residence.

4706. Rev. Dr. MOLLAY.—Are the undergraduates keeping their courses in Trinity College at the same time?—One is, and the other has dropped his course for the present.

4707. Lord Justice Fitzgerald.—I see that Mr. Mahaffy reported in 1880, that some prizes were given by Lord Middleton and others?—By no others. Lord Middleton is the only one. He gives a prize of three guineas a year for proficiency in classics. That is the only prize given except by the Head Master.

4708. Has there been any large expenditure on the premises since you came?—Yes. Considerable—an average of £50 or £60 a year. The buildings are very large and old, and they require a good deal of outlay to keep them up. Even at present they would require a large outlay to put them in perfect order.

4709. Dr. TRAILL.—What is the nearest school that competes with you?—The day schools in Cork. Those are the only schools. There are two or three good day schools in Cork.

4710. Which are they?—Mr. Fawcett's, the Cork Grammar school, and two or three other small schools.

4711. What is the greatest distance from which your day boys come?—Well some come from Carrigrohilly—five miles away.

4712. Lord Justice Fitzgerald.—When Mr. Mahaffy was here he reported that some of the boys came from Youghal. Have you any from Youghal now?—None from Youghal. I think at one time we had some boarders from Youghal, but we have no day boys from Youghal now nor boarders.

4713. Where do your boarders come from?—They come chiefly from Cork—chiefly from this county.

4714. Is there any inspection of the school by any authority?—Yes, there is an inspection by the visitors, generally once a year.

4715. Dr. TRAILL.—Is there any educational inspection?—None.

4716. No examination by an Inspector?—There is none. There is no formal one, but Dr. Moore generally helps me in my annual examination. But there is no formal inspection.

4717. Who are the inspecting visitors?—The Bishop and Lord Middleton.

4718. As trustees in fact?—Yes, and the Rector of the parish.

4719. Lord Justice Fitzgerald.—Do you think there are materials to be found in Middleton for a local body that would take an interest in the school, and in the management of it?—Oh, I think so. I should think so; but I don't think we would ever have many day boys in Middleton—the Protestant population is not large enough. We have as many day boys, I think, as we could possibly expect to have—from thirteen to fifteen—we could not possibly have more.

4720. Rev. Dr. MOLLAY.—Are all the pupils Protestants?—Not all the day boys. There are two day boys Catholics. When I first came here I had a large number of Catholic day boys—in fact when I was here the first year I had far more day boys than ever I had since—twenty-five day boys and half of them Catholics, but they have dropped off coming for some time.

4721. Where do they go now?—A great many go

to the Christian Brothers' School. They have begun teaching classics at the Christian Brothers' School, but a good many remained with me to the end of their course.

4722. You have a few still?—Two Catholics day boys at present.

4723. Lord Justice NAHEM.—Are there any printed rules and regulations with respect to carrying on the school?—None; simply my time table. The management of the school is left to me altogether.

4724. Lord Justice Fitzgerald.—Do you know how the original endowment, which was 2,000 acres of land, became diverted from the school?—Well, I suppose, the old trustees could have told that. It was 100 years ago. The 2,000 acres are there still, I suppose. But there is nothing to get except the rest of it is an acre. Some of the land attached to the school does not belong to the trustees at all.

4725. Where are the 2,000 acres?—I don't even know where it is.

4726. How are the school premises held?—The trustees are the legal owners. I suppose they are held under deed.

4727. Do you pay any rent?—None whatever for the school premises, nor for any land belonging to the endowment. There are two or three acres of land taken in with the endowment for which we pay no rent. There is a small farm called the school land of fifteen acres, which is let at £50 a year by Lord Middleton.

4728. Do you know how it is held?—I don't know. It does not belong to the endowment, but it has always gone with the school.

4729. How many boys have you accommodation for here?—Fully 70 boarders, I should think.

4730. Dr. TRAILL.—How many day boys can you put with those as far as class rooms go?—100 altogether as far as class rooms go. I have accommodation for fully 100.

4731. Lord Justice NAHEM.—Are there not some exhibitions connected with the college?—There are prizes, my lord, not exhibitions. There are prizes of £50 and £30, and they are given to boys going to Trinity College—that is to say—who distinguish themselves in the entrance examination—the examination for entrance in Trinity.

4732. Lord Justice Fitzgerald.—Since the establishment of junior exhibitions for Trinity College, which are very much in the nature of first year exhibitions, do you think that the money is as usefully applied as it could be?—I don't think it is. I think these prizes are of very little use indeed. They are nice prizes to get; but I don't think they are of much assistance to a boy who is going in for a university course. There is one payment of £30 and one of £50, and they don't continue beyond one year, and I don't think they are of much use.

4733. Do these exhibitions attract boys to the school?—They do not; they have not had any effect in attracting boys to the school with the view to enter the university, because they are not valuable enough for that. There are just two prizes of £30 and £50 at entrance, and then they drop.

4734. Lord Justice NAHEM.—Who appointed you?—I was appointed by the trustees.

4735. Did you sign any undertaking when you were appointed?—No, I signed no undertaking.

4736. Did you receive a letter of appointment?—Well, I don't know that there was any formal letter. I don't think there was much formality about it. I was informed I was appointed—that is all, I think.

4737. Lord Justice Fitzgerald.—Do you present an annual report to the visitors?—Yes, I present an annual report to the visitors.

4738. Why do you call them visitors—are they not the same as trustees?—Yes.

4739. Rev. Dr. MOLLAY.—Did you receive any communication from the trustees as to what your duties were to be?—No, I received no formal communication.

4740. Dr. TRAILL.—Who told you you were appointed master?—Really, I forget now. I think I was informed in an informal way by letter.

4741. Lord Justice FITZGERALD.—Is there any suggestion you could make as to any means of stirring up more interest in the school and increasing the number of boys?—Well, there was a scheme proposed by the Commissioners for amalgamating the funds of four grammar schools, and to have the four grammar schools united under the Commissioners. Those schools were Middleton, Clonsilla, Navan, and Ballyman. They are called private grammar schools, grammar schools of private foundation, worked under the same plan by the Commissioners—they proposed to amalgamate the endowments and to distribute them more equally.

4742. Lord Justice NAIRN.—Are all your day boys from Middleton?—Yes, from Middleton and neighbourhood.

4743. And I suppose I may take it that thirteen represents the number of boys in Middleton and about it who require a classical education?—I think so—of Protestants.

4744. Dr. TRAILL.—How many Protestants are there in Middleton?—There are, I think, about 300 in Middleton and neighbourhood. Dr. Moore can tell you that better than I can.

4745. Rev. Dr. MOORE.—Has the Protestant population of Middleton fallen off?—Fallen off? Well, I could not tell you that. Dr. Moore will be able to tell you.

4746. The number of Protestant pupils has been pretty stationary since you came?—The day boys are about the same. There has been no change worth speaking of.

4747. Some of the day boys come from a distance of three or four miles?—Some come five miles.

4748. Lord Justice FITZGERALD.—Do you know Youghal at all?—Yes.

4749. Is there any population there that would be likely to supply you with boys?—Yes, but they have a small endowed school of their own.

4750. And Mr. Mahaffy made a proposal to apply the endowment to bringing the boys here from Youghal?—Yes, because the school was not in operation, I think, when Mr. Mahaffy made his report. For two or three years it had ceased.

4751. How far is Youghal from this?—Fourteen miles—about the same distance as from this to Cork.

4752. Bishop Crowe's endowment still exists in Clonsilla?—Yes, but that does not compete with us in any way.

4753. How is that?—There are very few day boys, and their education is quite different from ours. It

is an English education almost exclusively, at least I believe so.

4754. Would it be possible for you to give a good English education that would be likely to attract a greater number of boys?—We bestow a good deal of attention on English, but being obliged to prepare boys for the University and Intermediate we cannot give undue attention to any special branches. I think you can hardly make a school a distinctly classical school and a distinctly English school.

4755. Professor DOUGHERTY.—Have you any boys preparing for commercial life in your school?—Well, I have a fair number. They are taught the usual English education. We prepare boys for the Intermediate examinations and we were very successful last year.

4756. Rev. Dr. MOORE.—How many have you sent up this year?—We didn't do as well as last year. We sent up ten, and seven passed and one obtained an exhibition—one of the seven. Last year I sent up ten. There was one exhibition gained, one retained, and six prizes out of the ten. They all passed.

4757. Professor DOUGHERTY.—In what grade?—In different grades—some in the senior, some in the middle, and some in the junior grade.

4758. Does the fluctuation arise from the class itself being a little different in one year as compared with another, in the college?—Our class is very small—two or three boys being withheld would make a great difference.

4759. To what centre did you send them?—To Middleton.

4760. Lord Justice FITZGERALD.—What other schools sent boys?—The Christian Brothers sent them.

4761. Where is the examination held?—In the Christian Brothers' School.

4762. Where are the Protestant boys, who are being prepared for business, taught in Middleton?—There is a very good National School.

4763. Do any of the Protestant boys go into Cork? I think no Protestant boys, as far as I am aware, go into Cork.

4764. Rev. Dr. MOORE.—Is it a rule here that every boy must learn classics?—It is not an absolute rule, but they do, as a matter of course, unless the parents expressly wish them not to.

4765. Lord Justice NAIRN.—Is it a classical school?—Well, it is. It is a classical school.

4766. Dr. TRAILL.—Do you teach classics or mathematics yourself?—I teach the greater part of the classics, all the French, and the higher English.

#### Rev. Thomas Moore, LL.D., SWTC.

4767. Lord Justice FITZGERALD.—I believe you were appointed Headmaster of Middleton in 1863?—Yes, in March.

4768. What were the numbers when you came?—On boarders and three on the foundation, some of the dispensary doctor.

4769. What was the course of the numbers after you came?—In 1864 the first record is in the books—there were 40 boarders, 16 day scholars, and 6 on the foundation, or 62 altogether.

4770. How long did the numbers continue to increase?—Well, they continued to increase up to 1873. I had 60 boarders in 1874 and I had in 1869, 69 boarders; but between the year 1869 and the year 1873, there was a fluctuation. The lowest number was 54, and then it got up to 61, 63, 65, and finally 69, in 1872.

4771. Dr. TRAILL.—How many day boys had you at the same time?—In 1873, 35 day boys, and 6 on the foundation—101 altogether.

4772. Did that include some Roman Catholic day

boys?—Yes, a good many—the Christian Brothers then hadn't any school here.

4773. Lord Justice FITZGERALD.—Was that the year in which you had the greatest number?—No, I had 110 altogether in the year 1863, 39 day boys and 6 free.

4774. For ten years it seems to have been actively flourishing, as far as boys were concerned?—From 1864 to 1878—fourteen years.

4775. What occurred after that with regard to the numbers?—Well, in 1878 the boarders fell to 52.

4776. Dr. TRAILL.—I thought you had 60 in that year?—Yes, you are right—in 1879 they fell to 56—56 altogether—34 day pupils, and 6 on the foundation—56 in all. Then, in 1880, 45—that is 13 of a disjunction—27, and 6, or 76 altogether. Then the last record I have is in 1881. My report seems to have dipped out of the book. In 1881 I had 58 boarders, 25 day pupils, and 6 on the foundation, or 87 altogether.

4777. To what do you attribute the falling off in the numbers during those four years?—Oh, I attribute it to the state of the country beginning to affect us.

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I think for two or three years the land agitation, in point of fact, was the cause of it. Then a great many were removed because they could not pay—because they could not be paid for—because the parents could not pay.

4777. Rev. Dr. MOLLOY.—That is, owing to the depression of the times?—Yes.

4778. Because the boys were not concerned in the agitation?—They were, when their parents suffered from the depression.

4779. Dr. TRAILL.—Now was it from depression of the times or from their not receiving the rents. There are two kinds of depression—one caused by agitation and the other caused by bad crops. I understand you to lay it down to agitation?—That is my impression. At all events they were removed because they could not be paid for.

4780. Lord Justice FitzGibbon.—You are now one of the Governors, I think?—Well, I am not, but the Rector of Middleton really is a Governor. It is a mere accident that I am not, because it is inconvenient to have a governor on the spot to keep the books. Every rector has been, but since I resigned it has been impossible to get a sufficient number of governors to co-opt me.

4781. Who are the present governors?—They have been mentioned. The Bishop of Cork is *ex-officio*, and the others are co-opted: Viscount Middleton, Captain Bally, the Earl of Shannon, and R. U. Perceux Fitzgerald.

4782. Rev. Dr. MOLLOY.—How many altogether?—Six, when they are filled.

4783. How many constitute a quorum?—Well, three.

4784. And since your resignation there never have been three governors meeting together?—No, only two.

4785. Lord Justice FitzGibbon.—We find the last annual visitation took place in 1885, so that in consequence of the inability to get three together there has not been a visitation since then?—Yes.

4786. And I see that on that occasion the Lord Bishop of Cork was in the chair, and that Lord Middleton, and the Rev. Thomas Moore, Rector of Middleton, were also present?—Yes.

4787. Then they counted you to make up the quorum?—I was present as their secretary.

4788. There would not have been a quorum if you had not been there?—There would not.

4789. Was it not always understood that the Rector of Middleton was one of the trustees?—No, but the "Sovereign" of Middleton was formerly *ex-officio*.

4790. Who is he?—He was the Rector always in these days, but when that was altered, and when there was no such thing as a "Sovereign"—

4791. Lord Justice FitzGibbon.—It appears pretty obvious that the Board of Visitors cannot be relied upon to attend and give any active personal interest in the place?—None, except the Bishop and Viscount Middleton. Viscount Middleton lives in England, at Piper Harrow, Godalming, Surrey.

4792. He comes over specially?—Yes, he does. He takes the greatest interest in everything. Lord Shannon never attended.

4793. Now we have got the power, it is our duty to try and create a proper governing body that will take an interest in this endowment. How would you suggest that that could be done. The Bishop appears to be *ex-officio*, and I presume from what you say that the rector of the parish would be an *ex-officio* member also?—Well, he always has been by custom.

4794. Is there any objection you know of to making the custom a lawful custom?—No. I think it is very desirable that the rector should be, as being on the spot.

4795. Where would you look for the other members?—Well, Lord Middleton has always taken a deep interest in the school, and he ought always to be a member.

4796. He represents the founder?—Yes, he represents the founder, and the school lands have always gone with the school, simply by Lord Middleton's own private wish. It is important that the owner of the land should take an interest in the school.

4797. Do you know how these school lands are held for school purposes?—Is there any lease?—None whatever.

4798. He is only a tenant from year to year?—Yes.

4799. The school lands and the portion about the house—these are held with the school?—They are freehold.

4800. In whom is the freehold vested?—Is it in the trustees?—I could not say.

4801. Dr. TRAILL.—Are the lands ever broken up, or are they kept for grazing?—They have been broken up.

4802. There is no restriction?—None whatever.

4803. Lord Justice NAUGHTON.—What portion of the lands belong to the school?—Simply what you see in front and the yard.

4804. From the front to the road?—Yes. The garden does not.

4805. Is that held under Lord Middleton?—Yes, and three fields around the garden.

4806. In addition to the freehold land, have what other property belongs to the College?—None, except 2,000 acres at Kinsale.

4807. Out of what is the head master paid?—He is paid from resources and from accumulations. For example, that £50 a year often for a dozen years in succession never was claimed. Well, the wall round the garden was built partly out of that, and they themselves added from their other resources what was required.

4808. Dr. TRAILL.—That is the £50 paid for exhibitions?—Yes.

4809. Lord Justice FitzGibbon.—Would you regard that £50 a year that they are now spending on these two prizes as usefully spent?—Yes, I found them very useful.

4810. In what way?—As a nice present to smart boys entering college.

4811. Would not a smart boy get any junior exhibition?—Yes, but he would get that in addition.

4812. Rev. Dr. MOLLOY.—Do you think that the best application of an endowment for education is to pay boys to go to Trinity College?—My experience was that to a boy who was entering, it was very nice for him to be sure of £30 if he answered sufficiently well to gain the first prize, or £20 if he was the second boy.

4813. And the £30 would be still better?—That £50 only commenced in the year 1871.

4814. Lord Justice FitzGibbon.—Would not that money be more usefully applied in teaching several boys than in giving a nice thing to one?—How teaching several boys?

4815. By increasing the salaries of the masters for example, who are extremely small?—Well, I think so. I think the great weakness of the school has been the very small allowances given to the masters.

4816. Do you think, then, this £50 a year would be more usefully applied by increasing the salaries of the masters or that things should go on as they are, and that it should be made a present to whatever clever boy can manage to get it?—I think it would be far more useful to give it to the master, because a clever boy is sure of £50 at Trinity College.

4817. He is sure of taking an exhibition?—Yes, at the Intermediate, for example, when at school.

4818. It will give any clever boy who gets an exhibition at Trinity College the means of getting on?—Oh yes. I hold it to be a great boon, the establishment of the junior exhibitions, for all my best men got them year after year—that is the top boy or so.

4819. He had the junior exhibition and this additional thing besides?—Yes, the £30.

4820. We may take you as agreeing with Mr. Burd

that it would be more useful to apply that money in paying the masters?—Much more useful.

4321. What is Lord Shannon's connection with the matter?—He was co-opted as they did anybody else and as he was of a certain rank; but Lord Shannon never attended, and it was well known he never would.

4322. Does he live within reach?—He lives six miles off—at Castlemary.

4323.—Who else attended?—Well the only ones that have attended were—the Bishop of Cork—always, and Vincent Middleton, and Captain Bally—Captain Bally was the agent to Lord Middleton at the time and lived in the town. Then he became Lord Donoughmore's agent, and went to Clonmel. He didn't attend then so regularly as he had no wants to receive.

4324. He didn't remain agent for Lord Middleton at the same time?—Oh, no.

4325. Once they are put on do they remain on as long as they like?—For life.

4326. Do you think that a good plan?—No, I do not. No, it has worked very badly.

4327. Can you give us a suggestion as to what would work better?—Well, you see you have three whom you always can rely upon, for Lord Middleton would come over specially if he was wanted at any time.

4328. Well, we should not like to have a less number than seven or nine?—I don't know how they could always co-opt them; but, I think, we have magistrates always resident about here. There is Mr. Gault, of Ballinacorney, he would have been a most useful man to have appointed.

4329. What body would be most likely to select the best men. Is there any body whom we might expect to nominate a couple of these Governors?—Well, I suspect the Clare-street Board would do that better than anyone else.

4330. We find the Clare-street Board never do anything?—They have done all the important matters here up to the present.

4331. Dr. TRAILL.—Could the Select Vestry name any?—Oh, they could.

4332. Lord Justice FRYNGER.—Do you think they would take an interest in it?—Yes. The Select Vestry in a parish like this is just a little bit strong for the South of Ireland.

4333. It includes all the likely persons who would be available?—Yes.

4334. Do you think that the Select Vestry of Middleton and the Commissioners of Clare-street would both take an interest in the formation of such a body?—The Select Vestry would take a very active part in it.

4335. Is there a Diocesan Council that would take an interest in matters of this sort?—The Diocesan Board of Education—they have the education of the whole of the county under them; but then this would be out of their province.

4336. Dr. TRAILL.—They are concerned with religious education only?—Yes; but they would be a very intelligent body, or if they would appoint a fair number to act with these three—the Bishop of Cork, Lord Middleton, and, for the time being, the Rector of Middleton. Or if you had our Select Vestry; the Select Vestry includes the most intelligent in the town and neighbourhood.

4337. Ballinacorney and around there?—Yes, you could get within range of the parish of Middleton, which extends several miles around the town—three or four.

4338. Lord Justice FRYNGER.—Suppose we had, ex-officio, the Bishop, the Rector of the Parish, and the owner of the estate, Lord Middleton, and allow him, if he chose, to nominate one for himself, or instead of himself?—He would nominate his agent.

4339. That would make four, and if you allowed the Select Vestry to put on two, and the Diocesan Council a couple, we might give you leave to co-opt the rest?—A diversified plan of that kind would work remarkably well, because it would secure the variety we want.

4340. That is what we are offering you, in the hope that we could make a good corporate body. You have more experience of this school probably than any other person living, and now we wish you to tell us this—what number would you consider the best number for the local governing body that we have been mentioning?—Seven or nine. Your lordship has mentioned nine. Seven or nine, for you would have to appoint a quorum—that would be desirable.

4341. Where it is seven the quorum is generally three?—It ought to be four. With nine it would be five.

4342. Five is a very large quorum?—It is that that would be for your experience to decide.

4343. We would give you power to appoint a couple to visit the place. Do you know anything of the condition of the estates—how they are held, whether there is any chance of receiving those rents; are they perpetual, or whether it was all let away?—Let away in the old times, before the Clare-street Board got hold of it all. The leases were tried to be broken in 1837, but failed. I think it was in 1837.

4344. Rev. Dr. MOTTOR.—Where is the property situated?—Near Kinsale. Of course I have never been there. The Clare-street Board collect the funds, and they would give the information.

4345. Is that the trustees have no interest in this property at present, except receiving this charge upon it?—Quite so.

4346. Lord Justice FRYNGER.—You have all through had six free boys here?—Yes.

4347. How were they selected?—The trustees took upon themselves the liberty or authority of nominating one each. They appoint the master on that condition, that they could exercise that authority; but there is nothing in the deeds about that; it is merely custom.

4348. Do you think it would be better to keep that power of nominating free boys, or would you let the boys compete for admission, as they do in some of the Erasmus Smith Schools?—I think it would be much better to let them compete. John Scott, who was the agent when I came here first—there is a paper of his in that minute book—there is a paper of his on that very subject, proposing that very thing. It is a detached paper.

4349. Lord Justice FRYNGER. (Reads paper). The idea of competition does not appear to have come into his mind?

Rev. Dr. MOTTOR.—No, I thought it did. It is qualification.

4350. What qualification do you think that day boys ought to have?—They ought to be able to read and write and to do arithmetic very well.

4351. That is a perfectly literary qualification, but surely they ought to have some connection with the locality?—Oh, yes.

4352. As it is a local endowment?—Within a range of four or five miles if they could walk in or get in in some way.

4353. Dr. TRAILL.—Is it known in the school among the boys themselves who the free boys are?

Mr. BIRD.—Oh, not at all, unless they may guess.

4354. Rev. Dr. MOTTOR.—Supposing a boy who gained a free place by competition entered as a boarder, would you make any allowance to him?—He would get an allowance.

4355. He would get an allowance by a remission of fees?—Yes, that case actually occurred with me. There was a boy nominated, and somehow he got people to pay for his board, and I allowed him fully on the fees; but he was supposed when he became a boarder, that he ceased to be on the foundation.

4356. But he didn't?—No, he didn't.

4357. Would it not be desirable to admit free boys from a larger area than you mention; say from the whole of the county Cork?—Yes, but the difficulty is how they are to attend the school, unless they get lodgings in the town.

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Rev. Thomas  
Moore, M.A.

Oct. 21, 1887.

Rev. Thomas  
Moore, LL.D.

4858. They might enter as boarders!—But there are very few that would.

4859. You would exclude the city of Cork if you limited the area to a five mile radius!—Certainly. That has never occurred to me—that they would compete from the whole country, because they are naturally, as they are supposed to be, day boys.

4860. But they are not necessarily so, as you have just told me!—There is one instance to the contrary. They are supposed to be day boys as a rule, but there was one instance to the contrary.

4861. Dr. TRAILL.—How far did that boy reside away!—He came as a boarder.

4862. Did his parents move away from the place!—No, they did not.

4863. He wanted to get away from home!—Circumstances altered to enable him to pay, and I was asked if I would allow it, and I said "yes, certainly," but as a matter of fact I put on a free boy myself in his place.

4864. Rev. Dr. MOLLOY.—Practically a free place might be regarded as an exhibition equivalent to the amount of the fees!—Yes.

4865. And then they might be gained either by those who come as boarders, or by those who come as day boys!—That would be for the Commission. I think it would be a very good thing.

4866. Dr. TRAILL.—Would you not apply the test of poverty or want of means!—Well, of course, there would be that consideration about it. When we have, for instance, a dispensary doctor here with a very large family, if there are no others wanting the free place, and if he has children that do, he might send one, and then on a subsequent occasion if there is nobody wanting a free place we could then take another on.

4867. Lord Justice FRYGEMAN.—Do you think that if you had a board of trustees they might be allowed to nominate boys to compete for those places—that is to say, to require some qualification besides want of means!—The head master for the time being would see that that was done.

4868. You are aware that the Keshmoo Smith Board have introduced the system into their High School in Dublin with great success!—I was not aware of that.

4869. Have you had boys coming from Youghal!—Oh, yes, I had.

4870. Lord Justice NASSER.—When you were appointed here, it was made one of the conditions of the appointment that you were to take six boys!—Yes.

4871. Was that under any minute!—I fancy there is a minute. No, I think it was in a letter there that Mr. Quarry wrote to me as secretary. I don't know that it is in a minute.

4872. Lord Justice FRYGEMAN.—What was Dr. Quarry's connection with the Charity!—He was rector of Middleton—rector and trustee.

4873. Were you supposed to get any remuneration for those six boys!—None whatever. It was included in the endowment.

4874. In what respect were you supposed to be paid for them!—The foundation was very small, and the view I took was that it was placed here to be of use to the neighbourhood; and, therefore, as some set off for the endowment, it was desirable that a number of boys should be educated there.

4875. If the endowment was left for the establishment of a free school, do you think such a school

would have been of advantage here!—Yes, but a free school without means, we are perfectly sure, would have taken from the good that was intended, and probably the effort would have ended in failure—must have ended in failure.

4876. Professor DEVEREAUX.—I believe there has been some controversy as to the meaning of the term "free school"!—Yes.

4877. Dr. TRAILL.—I understood that those six boys were not named in the deed as a compulsory condition in the endowment, but that it was left to the discretion of the committee!—Yes.

4878. Lord Justice FRYGEMAN (reads extract from Countess of Orkney's deed).—That is the original deed of the school!

Mr. BIRD.—There is a lane passing the school still called Free School-lane. With reference to the free school, would you allow me to make an observation. If there was an arrangement about deducting from the fees in case of free day boys as boarders, that would be hardly fair to me, because my fees are much lower. £40 is what I charge for boarders, whereas they were 50 guineas previously, and if you deduct 10 guineas from that which is the proper fee for day education it would only leave £30, which would hardly pay for a boy's support and tuition.

4879. Rev. Dr. MOLLOY.—Should you be wome off by the loss of the £10 each in the case of six boarders, than by the loss of £10 each in the case of six day boys!—Perhaps not, but not one of those boys would come to the school if I didn't let them in free, whereas the boarders would come, of course.

Rev. Dr. MOORE.—What it really wants is an increased amount to the master to carry it on efficiently. Whether the Clare-street Commissioners would give anything from Ballyroan or not I don't know.

4880. At about the time Dr. Turgin was there it was a flourishing school!—It was.

4881. Dr. TRAILL.—What does the total endowment come to besides the buildings, in the way of money!

Mr. BIRD.—About £250 a year.

4882. Rev. Dr. MOLLOY.—I see that Mr. Mahaffy recommended that the endowment of the school at Clonoe should be given to this school. Should you think that a satisfactory arrangement!

Rev. Dr. MOORE.—Well it would be very satisfactory for Middleton to see that arrangement carried out.

4883. Lord Justice FRYGEMAN.—But Clonoe might have something to say to it!—Yes.

4884. Dr. TRAILL.—That is Bishop Crowe's endowment!—Yes.

4885. You would not like to get your neighbor's goods!—No; quite so.

4886. Lord Justice FRYGEMAN.—Is there anything else you would suggest that you think would be of use in helping us to draw up a scheme!—No. The difficulty I always felt—or at least every master would feel is—well the difficulty he has always had to contend against was, that this £30 and £30 a year was that boys were removed too soon, and sent to Enniskillen and other places to get the exhibition. Louis Claude Parsar was educated here, and he went in that way. Another boy called Nason was removed, but his father regretted it very much, because my son beat him completely afterwards.

4887. Where was he removed to!—To Forres.

At the Schoolhouse, Clonra.

## \*BISHOP CROWE'S ENDOWED SCHOOL.

John Evans Morehead sworn.

Oct. 21, 1867.

4885. Lord Justice FRYGIESSON.—When were you appointed to be head master of this school?—On the 5th of April, 1873.

4886. What number of boys was in the school when you came in here first?—There were 16 on the roll, of whom 7 were boarders on the charity of the school—that is, 7 boarders paid for by the trustees in aid, one private boarder, and 10 day scholars.

4887. What are your numbers now?—My numbers now are 24 on the roll.

4888. How are they divided?—14 boarders, consisting of 4 on the charity of the school, and 10 private boarders of my own, and 10 day boys.

4889. What religious denomination do the boys belong to?—They are all of the Protestant religion.

4890. Are they all members of the Church of Ireland, or have you other denominations?—They are all members of the Church.

4891. Are the free boys boarded, lodged, and taught free?—They are boarded, lodged, and taught without expense to the parents.

4892. What arrangement is there between the charity and you as regards paying for these boys?—They pay me £30 per annum for each boy.

4893. How are they supplied with clothes?—I procure the clothing, and send the bill to the trustees, and they pay it.

4894. What other fees do the boarders pay?—The boarders pay me 25 guineas per annum, 25s. a year.

4895. Does that include everything?—Yes, that includes everything.

4896. What course of education do you give them?—My course of education is chiefly English; of late years, altogether English—a commercial education—in accordance with the applications made to me. I receive few applications requiring boys to learn Latin.

4897. Are you qualified to teach Latin?—Yes. Dr. Moore, who was the Head Master of Middleton School, has more than once examined classes of mine in Caesar and Virgil.

4898. Have you sent up boys to the Intermediate Examinations?—None at any time.

4899. Why have you not sent boys up?—Well, the boys I have had, both on the charity of the school and the boys that come to me, I don't think I could in any time almost prepare them from the low standard at which they were when they came to my school. Besides, in preparing a few smart boys for the Intermediate Examinations, I should neglect the rest, as I have no assistants.

4900. From what class of society do they come to you—are they poor boys?—Not very. The whole class may be considered of the middle class.

4901. What is the difficulty of preparing them for the Intermediate Examinations?—When I took the school up in 1873, the school was under the programme of and subject to the inspection of the Church Education Society. At that time I was forbidden to teach the Latin Grammar in the school, and the school, has been mainly an English commercial school since.

4902. Where were you educated yourself?—I was a teacher under the Church Education Society myself.

4903. Of a primary school?—Yes, having a few class certificates.

4904. Dr. TRAILL.—Trained at the Old Kildare Place Training College?—No, in London.

4905. Lord Justice FRYGIESSON.—Has there been

much fluctuation in the numbers of the pupils during the time that you have been here?—I could give you the averages for many years past. The average in 1850, 12 was the average for the whole year. In 1851, 12; in 1852, 13; for the year 1853, 16½; 1854, 16; 1855, 23; 1856, 23½; and 1857, 26½.

4906. Then there has been more than a doubling of the school for the last four years?—Yes.

4907. How did that increase arise?—Chiefly from Dr. Moore giving me a free hand in the working of the school. I may tell you I was never allowed, in fact, to be forbidden to teach the Latin grammar at all when I came to the school, and also I was pinned down to the programme of the Church Education Society; after some years I saw that there was a good chance of working it then as a purely English school; by working it in that way and advertising for boarders, and I have given such satisfaction that my circle has increased.

4908. Where do the boarders come from?—From Dublin, and I have had some from the Queen's County, and from Valencia, from portions of the provinces of Munster and Leinster generally.

4909. What part is taken by the trustees in the management of the school and in its supervision?—This book will show you that Dr. Moore has visited constantly, and the book contains reports from the time of taking up the school to the present.

4910. Rev. Dr. MULLOY.—Do you state in your advertisement the character of the education given?—In my prospectus I do.

4911. Perhaps you could give us a copy of your prospectus?—Yes, to be sure.

4912. Lord Justice FRYGIESSON.—Has the Diocesan Inspector any fixed time for inspecting the school?—The Bishop and the trustees arranged in the year 1879 that the secular instruction was to be tested by a very rigid inspection in the month of December. The Inspector received special instructions from the Bishop, and took as his minimum the programme for the National Board and for the Church Education Society. I myself looked into the English Standard Code, and worked the school with special view to the status of the boys at entrance. I afterwards examined at periods of three or six months to test improvements.

4913. It was stated by the secretary to the Commissioners of Education in Clare-street in 1880, that the school was under their management. Have they anything at all to do with it?—Yes; I have had reports always—at least papers from them always.

4914. And did you fill them up?—Yes.

4915. And send them back to them?—Yes.

4916. Do they take any other part in the management of the school at all?—No.

4917. As far as you know they have had nothing to do with it since?—Yes.

4918. Rev. Dr. MULLOY.—What is the nature of the papers they sent you down?—They sent me down queries as to the books I used in the school, the nature of the instruction given, and the number of hours I spend in the school—that is to say, the time I teach in the school, and the state of the premises.

4919. Dr. TRAILL.—Do they send an architect to inspect the premises?—No one has ever been here. The front of the house is a striking proof of the necessity for his intervention.

4920. Rev. Dr. MULLOY.—These papers are printed forms?—Yes, printed forms.

Oct. 21, 1887.

John Temple  
Morehead.

4924. Professor DECONERTY.—Do you give any apprenticeship fee with your boys when they leave school?—No; I have nothing to do with anything of the kind.

4925. You are aware that the endowment was intended originally to provide apprenticeship fees along with education for poor boys of this diocese?—I have heard so, but it has not come within my province—at least I have not received grants that could be applied in that way. I have been paid only my salary as master.

4926. Has the apprenticeship fund been discontinued?—I think the trustees will answer that question better than I can. I have not known of any apprenticeship fees being given as far as I can tell.

4927. Lord Justice FITZGERALD.—Have you ever deciphered the inscription over the door—does it state the year when the school was built?

Rev. Dr. MOORE.—Well, I wrote it out once for the late Dr. Curfield. In 1808 I think the house was built.

4928. Lord Justice NANK.—You state that all the boys in the school are Protestants?—Yes.

4929. And is there any rule of the establishment which requires them to be of the Protestant religion?—All the pupils on the charity of the school are boarders, and I don't know that there is any rule for day scholars; I have not kept myself bound by any rules with regard to day scholars. I have not asked the trustees. I have taken a French boy, who was a Roman Catholic.

4930. As a day boy?—As a day scholar—certainly. The place is altogether a Protestant place—they are all Episcopal boys on the charity of the school.

4931. Dr. TRAILL.—I suppose when the Bishop left his money to two clergymen of the diocese he intended them to be fit judges as to who was to get the benefit of it?—Yes.

4932. Lord Justice FITZGERALD.—Do you take any part in keeping the accounts of the trustees?—No; I merely send my bill every quarter to the trustees for the expenses of the place, and Mr. Green, the agent, sends me a cheque for my salary. I should mention about the Intermediate Education—when I was appointed the trustees told me that the school was a purely elementary one—to give an elementary education to fit a class of boys who would go to trades or business. The parents did not seem to take to putting them to trades. As a matter of fact parents think they are degrading their sons if they put them to trades.

I may mention two very interesting cases that have come under my own observation. One was that of a boy who was on the foundation of the school, the son of a house painter at Rathcorran. After being here for four years with me—he was very young, and I asked his father what he would do with the boy because, had he spoken about a trade—I think it was about the time I heard most about the apprenticeship fees, and I would have put the case before the trustees. He said he would not put him to a trade, but that he would put him to a shop. I said "What shop," and he said he would get him into a draper's place in Cork. I disliked the idea of the boy going in as a draper's assistant, and I asked him to leave him for six months longer. At about that time I heard of another school in Kilkenny that took up boys at the age of sixteen. I asked Dr. Moore's permission to leave him six months longer in the school, and I wrote to a Dr. Hackett, in Dublin, for a programme as to what the boys would be examined in.

4933. That is the Incorporated Society's school?—Yes. I sent up this boy to Cork, in July, 1883, and there was a disputation from Trinity College who conducted the examination, and at it he got first among fifteen, and after being with me for four years, he was taken there for three years more, and died and fed in Kilkenny.

4934. Is that the Poole's Institution?—Yes. Another poor man, who is caretaker of the Courthouse in Cork, then got Canon Nicholson to appoint his son, when he heard of this, and this boy, whose father wished in the usual way to be sent to business, in twelve months I prepared him, and he got first place. Those are two poor men's sons who are now getting educated in Kilkenny.

4935. Rev. Dr. MOORE.—Do you find, generally, that the children of artisans do not desire to be artisans themselves, but prefer to be educated for clerkships, and other positions of that kind?—I don't think I have now any artisan's child. I have not had many, and so far as their wishes are concerned I cannot speak as to what they would wish to be. I believe the most generally expressed desire I have heard was to go to sea.

4936. Where do the children of the Protestant artisans usually go to. Is there another school to which they go?—All the children of the place come here, all the boys of the place come here. There are no Protestant artisans in the town of Clonoy.

4937. There is no Protestant artisan in this town—no Protestant artisan with children?—No.

#### Michael Greene sworn.

Michael  
Greene.

4938. Lord Justice FITZGERALD.—Are you the agent for the Crowe Charity Estate?—I have been agent for fifteen or sixteen years.

4939. What does the property consist of?—Omland and houses.

4940. Where are they?—The land is at the back of this place here, and it Mr. Litton has in his own hands, and the houses are in the town here.

4941. Have you got the rental?—I have. Those are the particulars (rental produced).

4942. Does Mr. Litton live here?—Yes.

4943. And are those lands set to himself?—Yes.

4944. The first entry in the books of Bebermore, let to Mr. R. F. Litton, 61 acres, 2 woods, and 5 perches, and so on; rent, £65 10s. 1.—That lease is out.

4945. Rev. Dr. MOORE.—It was given in evidence on the last Commission that on the expiration of that lease there would be a considerable increase of the rental. Do you expect to get an increase of the rental?—Well, I'm afraid not.

4946. Does he still pay £15 10s. 1.—Yes.

4947. Professor DECONERTY.—Has the Land Commission fixed a fair rent?—Not yet.

4948. Does the farm adjoin someone land?—It is adjoining his own land—his own demesne.

4949. But he does not work it as an agricultural holding?—Yes, he does—a few acres—the chief part in grass.

4950. Has he a residence on it?—No, but he has labourers' cottages on it, I think, but that is all. He has a new house quite close.

4951. Lord Justice FITZGERALD.—Does it adjoin the land on which he has this house?—Yes.

4952. That is the large farm which we saw to-day?—That farm as you came along; it is just at the back of this house.

4953. The next on the list is a rent of £10 a year. Is that house property?—Yes.

4954. Dr. TRAILL.—Is it worth more than £10; is it a good house?—It is a rather old house. The lease

will be out in a couple of years, and they don't appear to have added—

4953. Lord Justice FRYGROVE.—It won't be out until 1850 if this list is right!—Yes, quite so.

4954. The next one is—That is at the end of the town.

4955. Are the buildings on that value for the rent?—Yes, they are.

4956. The next one is £5, held by the representatives of Connor!—That is still in being.

4957. That is nearly out!—Yes.

4958. What will that be worth when it falls in?—Indeed I think it would be very difficult to tell. I am afraid this town is falling away very much.

4959. You don't expect to get more than the present rent!—I don't expect if we expend a few hundreds upon it, it would be worth that in future.

4960. The next is £3, held by the representatives of Upton!—They are houses.

4961. They are held for sixty-four years from 1839, so that this will be out next year!—Yes. He wants to get a renewal of that lease at the same rent.

4962. Do you think it will be possible to get more?—We don't know how the state of the country may be then.

4963. You don't like to prophesy much of an increase!—Indeed I don't.

4964. Then £9—representatives of Murphy—that will be out in 1850!—Those are large stores; they are worth the money. They will be worth more at the end of the term.

4965. How much ought you to get!—We ought to get £5 or £6 at least of a rise.

4966. Then we have representatives of Keen—50 years' lease, dwelling-house, yard, and offices, are those all in the town?—Oh, quite close to this place.

4967. Here is a large one, £15, 25th of July, 1871, Timothy Lane, house, garden, and corn store in Clonoe for 60 years!—There will be an increase in that.

4968. That will not be out until 1931, so that we had better not prophesy about that!—It is so far off that we had better not.

4969. Dr. TRAILL.—What about the lease made to James Morrison who occupies it now!—That is useless, it is only a few old ruins.

4970. Why were the houses left to go into ruins!—They were always in ruins as long as I know them.

4971. Who is in possession of them now!—The party that held them is dead—James Morrison.

4972. Spillane's head, Clonoe—how much did you get for that!—Nothing.

4973. Why didn't you get the £1 10s. 1—Because there is no one to represent them. They are not sections to come forward.

4974. Is there nobody in occupation of those premises now!—There is not; they are in ruins.

4975. Is there a man named Hink in occupation!—Yes, Hink has a rood of ground in his place belonging to them.

4976. How much does he pay for that!—He does not pay anything, because there was a new lease.

4977. Do you think that is a good thing to allow property to get into the hands of a man who does not pay!—The reason is, I put it before the trustees very often, but it would not be worth going to law about.

4978. How long has Hink held this land!—Two or three years.

4979. The cost of going to law would not be much. You ought to get a civil bill and recover the rent or clear the premises!—I think it would be no use to the gentlemen.

4980. Is it a valuable building site!—It is not.

4981. It might be something if this became a great place!—If this was a city it would.

4982. Is it worth 30s. 1—I don't think it is.

4983. Sure there is the lease of 1874!—I don't think it is worth anything—that is my idea.

4984. It must have been worth something ten years ago!—I will recover it if you wish.

4985. Lord Justice FRYGROVE.—The next one we find is this £35 from weekly tenants—how many houses have you for that!—Nine.

4986. Who collects those rents!—I do.

4987. Do you live in Clonoe!—No. I live in Middleton. I have a bailiff here collecting for me. Some of the tenants are defaulters.

4988. Dr. TRAILL.—Did you allow those people to remain in possession!—The party who is a summons-server—a process-server—

4989. Of course he won't summons himself!—But I have summonsed him for the next Middleton Session.

4990. Who served the summons on him!—The Middleton summons-server.

4991. Lord Justice FRYGROVE.—Your total rental is £137 17s. 6d., and then you have got first to pay an annual rentcharge of £5 15s. 6d.—is that the rentcharge!—Yes.

4992. And then the annuity payable by the trustees to the widows is £7 7s. 6d., is that £23 Irish under the will!—Yes.

4993. Then there is county cess, £2 10s.; poor rate, £3 15s.; repair of the house, £7 5s.; receiver's fees and other incidentals, £11; income tax, £1 10s., total £139 18s., say £140. The income of the charity is about £147 or £150 a year!—Yes.

4994. Lord Justice FRYGROVE.—Taking one year with another, what is the average income you get from the rents for the support of the school!—£170 or £180.

4995. Dr. TRAILL.—How many of those weekly tenants' houses have you that are not occupied at present!—They are all occupied.

4996. Are any of them in possession without paying rent!—No.

4997. Is there a man named Curtin in possession of one of them!—Not that I am aware of.

4998. David Curtin!—He must lately have got possession, or my man has not given me his name.

4999. You have not got him on your register!—No.

5000. Have you a man named Swamy on your register!—No.

5001. Is there a man named Swamy in possession of one of those houses!—Not that I am aware of, except the man let it the other day to him.

5002. Who lets those houses!—A man named Burke, the sexton of the church.

5003. Do you know a man named Hennigan in a house!—Hennigan—no.

5004. Does this man, Burke, set houses to different individuals without consulting you!—Oh, no, he consults me.

5005. Does he give you their names!—He does.

5006. Is he available here!—He is laid up with rheumatism.

5007. Does he give you a return whenever there is a charge of tenancy!—He does [look pronounced].

5008. Is this his pass book!—No, that is my book.

5009. Have you got a written return from the man who collects the rents!—I collect them myself, and when he does, he gives me a list of the money.

5010. Lord Justice FRYGROVE.—How often does he account!—Sometimes every three weeks.

5011. Dr. TRAILL.—Where are the lists of the tenants of your houses!—They are in that book.

5012. Lord Justice FRYGROVE.—There is one Thomas O'Keefe. The last rent he paid was on the 16th of July!—Show me that book, please [look handed to witness]. Yes, that was the last. I didn't get all his rent. He has been a defaulter—O'Keefe.

5013. Professor DOUGHERTY.—If this man is laid up with rheumatism how can he collect your rents!—It is not often he is that way.

5014. Lord Justice FRYGROVE.—It is a very dangerous thing to have defaulters who are weekly tenants to a man like that, this is a case in point.

Oct. 21, 1857.  
Michael  
Gosine.

Oct. 24, 1887.  
Michael  
Greene.

On the next page there is Thomas Shea's—That is the man we are going to summon.

5017. He didn't pay you any rent at all this year?—No.

5018. Dr. TRAILL.—And he is nominally a weekly tenant?—Yes.

5019. At how much?—Is. 8d. a week.

5020. The next case is that of William Donovan. His last rent was paid on the 26th of July?—Yes, he has paid money since but it has not been put down.

5021. The next tenant is Wm. Donovan. He paid one week on the 1st of January, he next paid on the 22nd of January, and then on the 29th of January, and then on the 12th of February, and then he stopped?—I have got money from him since, but it is not entered in that.

5022. Surely you ought to enter the money?—But this is only a book which I bring in my pocket now and then.

5023. Patrick Toomey—the 20th of August is his last rent?—Yes.

5024. Where is the book in which you have the final entry—is it in your nursery?—I have it at home.

5025. Why didn't you bring it?—Because I didn't think it would be required.

5026. How many of these weekly tenants are in arrears?—There are very many of them in arrears.

5027. Professor DOUGHERTY.—How many weekly tenants have you altogether?—Nine.

5028. When did your agent have account to you last?—I think about one month ago.

5029. Dr. TRAILL.—How many did he return in arrears then—were there any in that list in the neighbourhood of the Church—that had paid up fully then?—Yes.

5030. The whole of them?—Almost all—all except one or two.

5031. Except the occupants of those couple of nuclei of ground?—Yes.

5032. Lord Justice FITZGERSON.—How much do you pay the sub-agent for letting them?—I pay him £1 a year, and he looks after them for me.

5033. Dr. TRAILL.—And what payment do you receive?—I receive no payment except receiver's fees.

5034. What fees do you get?—One shilling in the pound. That is all I get.

5035. Thomas Fitzgerald's last payment is on the 3rd of September; Margaret Butler's last payment was on the 1st of January, and she does not appear to have paid anything since?—She did.

5036. She is not enrolled with it?—Well I am accountable for it.

5037. Has she paid up to the present?—No. Her husband is a sailor, and he does not come here for more than two or three months, and she has not the money until he comes.

5038. David Whelan, his last payment was the 3rd of September? He is a good tenant and he pays punctually.

5039. Mary Fitzgerald?—She pays whenever she gets it from her husband.

5040. How much does she owe?—Two month's rent, I suppose.

5041. Thomas O'Keefe?—That tenant has gone and another has come in his place, and that money is paid up.

5042. Professor DOUGHERTY.—What is the total amount of the rents you collect?—This is the last year's rental (grossed).

5043. Lord Justice FITZGERSON.—Have you a fixed time for settling the account with the trustees?—Not particularly.

5044. Professor DOUGHERTY.—Did you receive £170 16s. 8d.?—Decidedly. If it is down there I received it.

5045. And the amount with arrears that you should have received was £187?—The arrears—they are all down.

5046. Dr. TRAILL.—How long has Shea been flourishing there without paying anything?—There are 45 of arrears due by him.

5047. Margaret Sullivan only paid thirty-one weeks of the year?—That is last year, and she paid up a good deal this year.

5048. I see many other names—among them £145 received from Mr. Nicholson—are they arrears?—That was on account of money advanced.

5049. What is the meaning of that?—We were in arrears at the time, and I advanced that money and they paid me.

5050. Are you in arrears now?—No.

5051. Was this all paid up—part of the money went in rentcharge, cheque to Mr. Moorhead, quarter's salary, boarding of boys, water supply, Rev. T. Moore, inspecting Bishop Crowe's school—do you pay a fee to the inspector?—That requires explanation.

5052. Dr. TRAILL.—Who audits these accounts?—The trustees.

5053. Lord Justice FITZGERSON.—As a matter of book-keeping I don't quite understand this account ending the 31st of March, 1885. There was a balance due to you of £25 5s. 8d., and that is carried forward, but in the rental of the 31st of March, 1885, you debit yourself with £145 cash from the Rev. Mr. Nicholson and the Rev. T. Moore, on account of money advanced, and yet you closed the year with a balance in favour of the estate of £31 5s. 6d. Why does that £145, if it was due to you, not appear before?—At the time I may tell you there were law costs, but I could not answer that until I looked over my papers, but that is correct, those moneys I received, and I paid them out.

5054. Dr. TRAILL.—Perhaps, Dr. Moore, you can explain that; you are unwell here as auditing these accounts. Here is this item of cash received from the Rev. Mr. Nicholson, and the Rev. Mr. Moore, £145 in addition to the rental of £170 for the year.

Rev. Dr. Moore.—There is a sum of money in bank upon which we had to draw, and the expenses of six years of the property and the law costs were very heavy. The repairs to the property cost £247, the repairs to the school £40, and those payments coming in, Mr. Greene made them—

5055. Dr. TRAILL.—But they don't appear in the account?—Oh, yes; they are all there; they are all in the last five or six years, every one of them.

5056. Lord Justice FITZGERSON.—If this year's account was taken by itself, Mr. Greene's charge would be in a bad way.

Rev. Dr. Moore.—We paid £145 over our receipts. We are drawing on our capital. We have money in bank, and the expenditure has been greater than the receipts.

5057. How much capital have you in bank?—£450.

5058. And you are drawing on it?—It is merely what is saved from a few years.

5059. Lord Justice FITZGERSON.—The net result of this entry is that you are £115 to the bad, at the year ending the 31st of March, 1885?

Rev. Dr. Moore.—Yes. How does it begin that year?

5060. Lord Justice FITZGERSON.—There is £25 due to Mr. Greene—that would make it that you are £138 to the bad?

Mr. Greene.—I generally advanced the money required, and if the rentals did not make it up, I got money from the trustees.

5061. Have you anything to do with the management of the money—of the funds?—No, I have nothing to do with that.

Rev. Dr. Moore sworn and examined.

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Rev. Dr.  
Moore.

5062. Lord Justice Fitzgerald.—What money in the funds have you?—When I became a trustee there was some money in the funds which we could not get at, and it cost us a great deal of money to get these funds.

5063. How did it cost you much money?—Because when I came in, and the person who was before me, our names were not known to the bank at all, and the money was in London. The previous trustees long ago had got the money there, and our names were not known, and we had no power of attorney or anything in the way of authority, and we had to go to the Court of Chancery to be constituted at a cost of £20.

5064. How much was the money in the funds?—£1,200 4s. 6d. stock.

5065. What has become of that?—How much did it cost you to recover that?—£20.

5066. What has become of that?—We had to pay the Church Temporalities Commissioners £50 18s. 9d.

5067. That was to buy out the rent?—Yes. The low rents on the property were £29 6s. 6d. Repairs of property includes requiring a large tenant here at the corner, which was left in a miserable condition, and the repairs of that property, which brings in now these weekly rents, cost £247 6s. 1d.

5068. What repairs were done?—All the particulars are given—boarding the floors, repainting the front, staircases, &c. The roofs were all in disorder. We had to repair them thoroughly, and they were very expensive; then the repairs to the school, repairs to the various parts of the building here, £29 18s. 4d. Well, then we had a few more on the foundation.

5069. What did all that expenditure tot to?—£297 6s. 6d.

5070. Did you sell out the stock to pay that?—Yes.

5071. What has become of the rest of the stock?—The rest of the stock is now in the National Bank, ready to be invested.

5072. Did you sell out the whole of the stock?—The whole of the stock had to be transferred to our names, and we got a certain sum of money for it. It was lodged in bank in 1881.

5073. And how it been lying in bank on deposit ready only producing the interest which the bank gives—one per cent, I suppose?—Yes.

5074. Rev. Dr. Moore.—Why didn't you leave it in the Funds?—It was to be transferred to us as money.

5075. It ought to have been transferred to you in the Funds by order of the Court of Chancery?—It should have been done, but it was not.

5076. What amount of balance in bank have you now?—£495 9s. 4d.

5077. Lord Justice Fitzgerald.—But you know the expenditure you have given us will only amount to £400?—Yes, but we had eight boys on the foundation, and this number of boys, and many repairs, improvements, and sanitary arrangements spent some more of the capital. The increased number of boys for a few years made the school a success. This money had been got by having no boys in the school at all. For instance, there was not a single boy in the school for four or five years, and it was accumulated in that way. In 1854, 1855, 1856, and 1857 there was not a single boy in the school, and this was money that was merely got by having no boys in the place. Then when we had boys to educate, we used to educate them out of the capital of this accumulated fund.

5078. What have been the drafts on that capital during the last four or five years that have brought it down?—You see the master's bill for eight boys.

5079. Lord Justice Fitzgerald.—At that rate this accumulation would only last a very short time longer?—But then we are drawing in our horns, do you see; and we have only four boys now on the

foundation, but we do not intend to reduce it any more if possible.

5080. Dr. TRAILL.—The spending of that sum, £535, being spent is a serious drain?—Yes.

5081. In how many years has it taken place?—That is in six years; but, besides, there are a great many other expenses. The lack was in a frightful condition. We had an immensity of trouble with that; but the whole place, when I came in, was in a most miserable condition and nothing to spend. And we should have shut up the place for several years. If we intended to keep all that money intact, we must have suspended operations entirely.

5082. Lord Justice Fitzgerald.—In 1880 the place was stated to be in good order, and owing its position to your having the care of it altogether?—That is in the educational department.

5083. The whole matter is in the hands of two trustees, the proctor, and the treasurer?—Yes.

5084. Is the post of proctor attached to any particular parish?—No, it is not. Bishop Fitzgerald knuckled that on the head long ago. When George Cotter had Templeman as his was also treasurer. By the Church Act the bishop may make any clergyman of the diocese of Cloyne he likes a Cathedral dignitary.

5085. Why was the clergyman of Cloyne not appointed proctor?—

Rev. Canon Nicholas.—Because the bishop can do as he likes in the matter. For instance, I have the parish of Doneraile, and I am the treasurer. I don't think the bishops are tied in any way in making these appointments. The treasurers have belonged to Mallow and other parishes.

5086. Lord Justice Fitzgerald (to Rev. Dr. Moore).—Is the dignity of treasurer still kept up?—Yes.

5087. Is it attached to any parish?—Not at all. I was appointed proctor when I was simply a curate, properly speaking. I was constituted an incumbent by the Church Act.

5088. What is the present position of the cathedral of Cloyne; is it an ordinary parish church?—It is a cathedral still; but it is also a parochial church.

5089. Surely the clergyman attached to the place ought to be a governor of this church, rather than the holder of a dignity, who may be anywhere else?—The bishop takes a great interest in the charity, and appointed me because I was near. The difficulty about it was that the bishop had no power. The will states distinctly the "proctor and treasurer." You can perhaps alter that.

5090. That is just what we want to see, how it could be altered. It appears also that there is a quantity of very troublesome property to be managed. Ought you not to have some layman to help you in this?—Well, Mr. Green was appointed before my time. He used to come to Cloyne once a week or a fortnight regularly; but he has not for the last year or two been able to look after these things personally.

5091. Dr. TRAILL.—But Mr. Green is a paid agent. We are talking about having a layman on the board of management?—That would be very desirable, and I think, too, where we are applied to for a loan—I don't know whether we have leasing powers or not. This Commission will probably settle anything of that kind. A man named Upton wanted a renewal, but when he went to Mr. Gregg, the Solicitor, of Cork, he would not draw one for him, so he said there would be a Commission coming. We have never exercised those powers, though exercised by all our predecessors. Mr. Greene wants to see a man, but I don't know whether we have any power to see.

5092. I think there can be very little doubt that the proctor and the treasurer of Cloyne have the power to see?—With regard to the leasing I don't care to have the responsibility. I would rather have

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Moore.

a layman or laymen. We are not fitted for that, and I don't know that the lauses in the past have been very wise, some of them.

5003. Where would you think it advisable to look for a layman who would take part in the management of this property?—I would look for him in Cloyne—on the spot.

5004. The Dean is present?—He is the rector of the parish.

5005. Professor DOUGHERTY.—A portion of this endowment was originally intended to provide apprenticeship fees?—Yes.

5006. Have any apprenticeship fees been given in your time?—No.

5007. When was the giving of apprenticeship fees discontinued?—1869 is the date of the last entry I see for apprenticeship fees.

5008. Can you tell me why they were discontinued?—No, I cannot tell you that; it has been mentioned already, and my own idea is that it is the change in the country. I know my mind was greatly exercised by this—was greatly exercised on the subject of carrying out the charity about these very apprenticeship fees, but we never had an application and they lapsed.

5009. What was the amount of the fee formerly paid?—£4 was paid in any case in the town—£5 to a coach builder in Fermoy, but the whole of the money payments are altered now.

5100. You could not get boys apprenticed now for £4 or £5?—No, you could not, and they don't look for it. I was greatly concerned for a considerable time, but I was very much relieved by your remarks on Monday in Cork—that the Commissioners did not very much approve of giving these £4 fees—of giving them to people who employed these boys. I have been very anxious on the subject personally, and I have searched through the whole of the book, and in that old book you see apprentice fees regularly mentioned every one or two years, but the last entry of all is in 1869, and there has been none since then, simply because they were not wanted.

5101. Do you think that any part of the endowment could now be made available for industrial education?—Well, it is a very great difficulty to know the funds are small—you see there has grown up around the endowment, the education of the Protestant boys of Cloyne Diocese for generations, and then long ago the Cathedral Chapter had choir boys, and they sent them

to it and had them boarded and educated here and paid for; and boarders not on the foundation are even now the principal party of the school which Mr. Morehead has been very energetic and successful.

5102. Dr. TRAILL.—Is there any endowment connected with the choir of the Cathedral?—Not now.

5103. Professor DOUGHERTY.—Do you know whether your master teaches drawing?—He does not, except geometric drawing.

5104. Could you therefore usefully allot some part of your endowment for the teaching of drawing in this school?—Yes, that can be managed. It is rather small.

5105. In your opinion would the association of some laymen with you in the management of the property be an improvement?—Well, it might if the clergyman lived at a distance—it so happens you may see in that book my name very frequently, but it does not indicate one-sixth part of the time I have been at the school. My duties at the Cathedral often bring me here, and it is very seldom I put down my name *pro forma*.

5106. It might not always happen that the clerical trustee living at a distance would possess all your experience in education?—No, it might not happen that he would take as much interest in the place. George Cotter, so far as he was concerned, attended very frequently when he lived in Middleton. He was practically sole trustee.

5107. As far as the two trustees named—the preacher and treasurer—were the places to which their offices were attached now Cloyne?—Yes, Lignold was connected with the prebendary for a very considerable time.

5108. How far was that from Cloyne?—Six miles.

5109. And where did the treasurer live?—The treasurer lived in Middleton.

5110. That is also within reach?—Yes.

5111. Therefore both clergymen were within easy reach of the town?—Yes.

5112. And now they might be at opposite ends of the diocese?—Yes, but the Bishop would take care to have one of the trustees living near Cloyne.

5113. Lord Justice FRYGIER.—The preacher would be bound to attend at the Cathedral, unless he had a sonnet or some one else to do his business for him?—Quite so.

5114. Dr. TRAILL.—What year did you begin to act as trustee?—The first year was March, 1873.

Rev. Alexander Jackson Nicholson sworn.

Rev.  
Alexander  
Jackson  
Nicholson.

5115. Lord Justice FRYGIER.—You are incumbent of Donemile?—I am, and also treasurer of Cloyne.

5116. How long have you been treasurer of Cloyne?—I was instituted on the 28th of July, 1883.

5117. To whom did you succeed?—Treasurer Chester, incumbent of Middleton.

5118. You were the first Incumbent of Donemile who was treasurer of Cloyne?—Yes.

5119. What distance is Donemile from Cloyne?—Forty-one miles.

5120. What part have you taken in the management of the Crowe Charity?—Well, I have visited the school from time to time; the accounts are all submitted to me, and I make what suggestions I think advisable, and share in the general management. I sign cheques.

5121. In the appointing of free boys I suppose you take a part?—Alternately with the preacher.

5122. Dr. TRAILL.—You nominate two about?—Yes.

5123. Where are the boys nominated from?—I don't remember at the present moment from what parishes, but all from the diocese of Cloyne. One boy was appointed from Newmarket, but he has just been elected into the Roscrea School.

5124. Lord Justice FRYGIER.—We would like to see the register?

Rev. Dr. Moore.—There was no book, but I kept a book, which I can give you since 1873, of boys on the foundation of the school.

5125. As regard the management of the property what means have the two trustees of looking after it beyond the appointment of an agent?—The agent of course cannot act without them, and it is our business to see that the money is paid, and to hold the agent responsible if he does not pay it.

Rev. Dr. Moore.—For example, in the case of that Upson House Canon Nicholson and I investigated everything about it, and went over every inch of the ground, so that if any question arose we would be informed on the subject.

5126. Rev. Canon Nicholson.—I think myself having done that, I am also quite prepared if Mr. Linton asks me to discuss the question of a lease with him. The old rent was £100. He pays a rent of £45 10s., and when it was let in 1847 it was £105.

5127. Dr. TRAILL.—Within the terms of his present lease?—No.

5128. Before the present lease?—Yes.

5129. It was let to him in the bad times?—Yes; but John Linton bought the interest in the lease.

5130. Lord Justice NAVE.—At £105 rent?—At £65 10s.

5131. Dr. TRAILL.—How many acres are there?

Lord Justice FRYGROVER.—It is 61 acres, 2 roads, and 5 perches.

Rev. Canon Nicholson.—With regard to Mr. Upton and the lease in that case we see in the same position. It puts the matter in quite a new light to me after what the proctor said. We heard nothing before about any difficulty. I would not have any objection to give a lease if I thought the lease was good. I don't at all agree that our position as trustees is shaky. I think we have unlimited powers to give leases.

Rev. Dr. Moore.—The thing did not regularly come before us, except merely an offer, and then on that offer the solicitor in Cork would not draw up a fresh lease.

Rev. Canon Nicholson.—There is one reason why the offer would not be received, Mr. Upton owes a year and a half's rent.

5132. Dr. TRAILL.—The lease does not expire until 1881, so that you have time in the Upton case?

Rev. Dr. Moore.—Quite so.

Rev. Canon Nicholson.—I should like very much to know from the Commissioners, on account of your Commission sitting here, what powers we have in the way of leasing?

5133. Lord Justice FRYGROVER.—It appears perfectly clear to us that we must give you a power of leasing, so as to put your powers beyond doubt. A governing body consisting of the proctor and treasurer formerly connected with the neighbourhood, but not now necessarily so, seems to be different from the intentions of the testator.

Rev. Canon Nicholson.—I think the Government may well be left in the hands of the proctor and treasurer, because the Bishop as a wise ruler will appoint clergymen to these dignities who are suited to manage the property. The fact of living at a distance is no great objection. If the Bishop thought it desirable that clergymen living close to Clonay should be appointed he would so appoint. If you made a change and substituted the rectors of two adjoining parishes to Clonay, it might happen that those men would not be suitable for managing the property.

5134. If the Bishop was appointing a proctor and a treasurer, he would appoint those proctor and treasurer on account of their qualifications as clergymen, and the management of this charity would be only a secondary consideration?

Rev. Dr. Moore.—I don't think so. It is primary in the Bishop's mind.

Rev. Canon Nicholson.—I know that when the Bishop offered me the trusteeship, he wrote to me in regard to the property of this charity and as regards my duties in looking after it, which of course I have tried to fulfil. We had a commission of inquiry held here some years ago. They appointed the Bishop to hold that inquiry, and the Bishop held it, and the result of that commission was satisfactory to the school.

5135. Was it the Clonay-street Commissioners who ordered that inquiry?

Rev. Canon Nicholson.—We trustees sent a report to the Bishop (as Visitor) and the Bishop sent the report up to Clonay-street.

5136. Professor DOUGHERTY.—The Clonay-street Commissioners sent the commission of inquiry?

Rev. Canon Nicholson.—They said a sworn investigation should be held; and asked the Bishop to hold it.

5137. Lord Justice FRYGROVER.—When was that held?

Rev. Canon Nicholson.—In 1884.

5138. And were the witnesses sworn here?

Rev. Canon Nicholson.—Yes; and the result was satisfactory to the school. It was in 1884.

Rev. Dr. Moore.—The Clonay-street Commissioners never did anything but send a form twice a year, in the same way that they sent to Mr. Morehead to ask the number of pupils and the number of hours he spends in the school.

5139. Lord Justice FRYGROVER.—It is very

different in Middleton, because we were informed there to-day that their architect visits the school, and they pay for the repair of the building?

Rev. Dr. Moore.—That is a very recent thing.

5140. Lord Justice FRYGROVER.—And they have got £1,100 of money belonging to Middleton, but they don't appear to have any money belonging to Clonay?

Rev. Dr. Moore.—None whatever; they never had. It is really strange that they should have any control over this charity.

Rev. Canon Nicholson.—I don't understand how they have anything to do with it. They hold no money. The money rests with us. We spend it as we think best, and we never consult them; good, bad, or indifferent.

Rev. Dr. Moore.—We never consult them in any way.

5141. Lord Justice FRYGROVER.—(To Canon Nicholson).—What would you suggest in the way of a governing body?—I would say that in addition to the proctor and treasurer, the rector of Clonay should be appointed. I have always thought it a very anomalous thing that the rector of the parish should have nothing to do with this charity. I would say that the rector of the parish should have something to do with it. The rector will probably be always dead, but you could not be sure about that. I think that would be an improvement decidedly. I am not at all clear whether it would be a good thing to make a layman a member of the managing body under the circumstances, because you might appoint for instance Mr. Litton a trustee, and he might have to give himself a lease—that kind of thing might crop up. But I am sure we should all be very glad to hear from the Commissioners any suggestions they might have to offer as to how we could improve the working of the school in any way. Perhaps you would allow me to say that my idea is that, if possible, the school should be brought into closer connection with the cathedral. It seems to me that the Bishop, having appointed the proctor and treasurer trustees, intended that. Certainly in past times the boys were apprenticed to the curate of the cathedral to be educated for the choir.

5142. There are now no choir boys?

Rev. Canon Nicholson.—Some of the boys now on the foundation sing in the cathedral choir.

Mr. Morehead.—The boys of the choir are all persons connected with this house. The cathedral has six surprised chorists from this house.

Rev. Canon Nicholson.—I think if any attention could be made it should be in the way of connecting this school directly with the cathedral.

5143. Lord Justice FRYGROVER.—We had a similar case to this connected with St. Patrick's Cathedral, and where all the schools were amalgamated and placed under the control of a general body representing the cathedral, with power to give education of various sorts. Would you propose that?

Rev. Canon Nicholson.—If possible, I would.

5144. Dr. TRAILL.—Have you any way of teaching the boys music in the cathedral?

Rev. Canon Nicholson.—I would say the organist could do that.

5145. Does the organist assist you, Mr. Morehead?

Mr. Morehead.—I may as well state that I am the teacher. I am a teacher and a credited examiner connected with the Royal College of London, and I have power to examine and grant certificates for proficiency in vocal music.

5146. Do you teach singing?

Mr. Morehead.—I teach the pianoforte, at present, and singing; and any persons that wish to have their children taught music can do so, but not in the ordinary school time. The boys are so backward that it takes me all my time to devote the school time to the ordinary studies.

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Rev.  
Alexander  
Jackson  
Nicholson.

Oct. 12, 1887.

Rev.  
Alexander  
Nicholson.

5147. Have you any assistant?—None whatever; I do all my business myself. And I wish to say that the Dean and I have frequently spoken on the matter. If the Commissioners could see that the school could be utilised for the cathedral, I should be very glad, myself being a teacher of vocal and instrumental music too, to take it up; and to adopt any suggestions that the Commissioners may make in that way.

Rev. Canon Nicholson.—It seems to me that as Bishop Crowe appointed the treasurer and proctor who are cathedral officers to manage the school, he intended that there should be some connection between it and the cathedral.

5148. Lord Justice Fitzgerald.—You have been going very much into capital for the last three or four years—do you think that the school, as at present established, is paying its way?

Rev. Canon Nicholson.—I do not. I think that the expenditure requires very serious revision—in fact, I was not aware until the recent notice in *the Times* that there was to this £145—I didn't know that there was this money in the bank at all; and I would have entirely protested against encroaching on the capital. I think it is a decidedly unwholesome thing to encroach upon capital, and I think the school will become bankrupt if it goes on. I think there should be a great alteration made.

5149. If you reduce the £1,500 to £500, and then go on still further reducing it, it will be a serious matter!

Rev. Canon Nicholson.—We are in another difficulty here. It is quite possible that Mr. Litton may not renew his lease when it is up, and it is the best holding we have. We don't know what might happen. I could not say whether we will get over the £35 a year.

5150. I thought you said you believed the land would be worth much more than £105!

Rev. Canon Nicholson.—It does not follow that we shall get it.

5151. Rev. Dr. Molloy.—I have been told that there are no children of artisans in the school at present!

Rev. Dr. Moore.—Yes.

5152. In the early records I find a large number of

the children of artisans and tradesmen mentioned as being in the school. On looking down the page before me I find that one boy was the son of a painter and glazier, another was the son of a cooper, another the son of a ship carpenter, another was the son of a seaman in the Royal Navy, and several were the sons of weavers!

Rev. Dr. Moore.—The explanation is very simple. In those days there were a great number of our folk living in Clonra. The trades have died out, and there is no working going on now cooping now.

5153. I find that a considerable proportion of the children were the children of mixed marriages, the father being generally a Protestant and the mother a Catholic!

Rev. Dr. Moore.—What is the date of that?

5154. It is an old record—down to 1851!

Rev. Dr. Moore.—It was a hobby of Cotton's to do a thing of that kind.

5155. Is that the same Mr. Cotton that was at Rohen Is?

5156. Were those children of mixed marriages always brought up here as Protestants?

Rev. Dr. Moore.—Yes, and you will see that one was educated as a teacher, and went out as a Protestant teacher.

5157. One of the parents being a Catholic!

Rev. Dr. Moore.—Yes.

Rev. Canon Nicholson.—The children of the institution were always connected with our Church.

5158. But I find that several were the children of mixed marriages!

Rev. Canon Nicholson.—At one particular time; but at other periods it is not so at all.

5159. Can you tell us, in point of fact, whether since 1870, there has been any considerable number of the children of mixed marriages received into the school?

Rev. Dr. Moore.—Since I came here, in 1873, there have been none.

5160. I suppose if there were children of mixed marriages at the school, they would have to be brought up as Protestants!

Rev. Dr. Moore.—The whole training would be so that they would have to attend the cathedral.

Very Rev. Horace Townsend Fleming, Dean of Clonra, sworn.

Very Rev.  
Horace Town-  
send Fleming.

5161. Lord Justice Fitzgerald.—How long have you been Rector of Clonra?—Since early in 1878—I forget the date.

5162. How long have you been Dean of Clonra?—About four years, I think.

5163. You were not Dean of Clonra when you were first appointed Rector of Clonra?—No.

5164. I believe you have not got, officially or otherwise, any direct connection with this charity?—None whatever.

5165. What is the number of the Protestant congregation attending the Cathedral of Clonra?—Over 100.

5166. Dr. Traill.—What is the number of Protestants in Clonra?—In the Clonra parish—that is the Union of Ballycotton and Clonra—I don't know how many there are in Ballycotton, but there are about 200 in Clonra.

5167. Lord Justice Fitzgerald.—Do those include people of the class who are likely to take advantage of this charity?—All classes. I don't mean the poor class of people alone—I mean all classes.

5168. Rev. Dr. Molloy.—Does that include tradesmen and artisans?—It does.

5169. But we have been just told that there are no Protestant tradesmen or artisans?—There are really very few trades of any religion—I don't think there is a Protestant artisan that I know of.

5170. Dr. Traill.—Are the painters and coopers and the people of all those different trades—the names that we found before still to be found in the town?—There is no cooper. I don't think there is a

painter. There is a man who lived at Ballycotton, who used to do that class of work, but I don't think there is any regular painter.

5171. Lord Justice Fitzgerald.—In point of fact the artisan trades and handicrafts have left Clonra?—I think so.

5172. And have left the town without distinction of religious denomination?—There are some smiths and carpenters.

5173. Rev. Dr. Molloy.—Are there any shoemakers in Clonra?—Yes.

5174. Are they all Catholics?—I think so. There is only one Protestant family of shoemakers.

5175. Any painters and glaziers?—There is not a regular glazier—really I don't know of one here.

5176. Dr. Traill.—There are handy men who do the business—who do all these things?—Yes, handy men.

5177. Lord Justice Fitzgerald.—In what way do you think that this fund could be best administered for the benefit of the people it was intended for?—Well, I have just drawn up a little sketch of the history of the school, that I have extracted from the old chapter minutes [document handed in and read].

5178. Who would you propose or suggest should represent the Cathedral in the government of this charity?—I should say that the rector of the parish. I should think the rector of the parish—he would be always here.

5179. And he is likely to be always Dean?—Not necessarily.

Rev. Canon Nicholson.—He must be a Canon of

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Very Rev.  
Bishop Town-  
send Fleming.

the Cathedral, so that he is connected with the Cathedral.

Dean Fleming.—You might say both Rector and Canon.

5180. Lord Justice FRYGROVE.—Have you a Cathedral Board, or is it a select vestry?—It is a Cathedral select vestry.

5181. How are they appointed?—They consist of Canon of the Cathedral and the Select Vestry of the parish.

5182. How many Canons are there?—There are fifteen Canons, and they are all full except two or three.

5183. How many lay members of the Vestry are there?—There are fourteen, I think, members of the Select Vestry.

5184. They are about equal to the clergy?—Yes, they are about equal.

Rev. Canon Nicholson.—That sounds very good, but of course you will remember that a good number of the Canons never attend the Cathedral vestry, and if you looked upon the Cathedral clergy as being half clergy you would be very wrong. It is not like Cork, or any big place.

5185. DR. TRAILL.—I suppose out of your Select Vestry you could find a couple of laymen who would take an interest in this matter?—Certainly.

5186. Lord Justice FRYGROVE.—What body would be best fitted to select two or three laymen resident in the neighbourhood who would be likely to take an interest in this charity?—The Diocesan Council.

5187. They don't know the locality?—Yes, they do.

5188. When do your Diocesan Council meet?—They meet four times a year in Cork.

Rev. Canon Nicholson.—They undoubtedly know the locality.

Dean Fleming.—It would be better than having it to any other unofficial body.

Rev. Canon Nicholson.—I think there would be a very great objection to having the selection to any body in a small place.

5189. DR. TRAILL.—What do you think of the project of applying the Endowment to the school at Midleton?

Dean Fleming.—I think very badly of it. I don't think it is fair to take away their neighbour's goods.

5190. Lord Justice FRYGROVE.—How many children in the school come from Clonyc?—You may say that ten out of the twenty-four do. There are fourteen boarders and ten day scholars.

5191. None of the boarders are from Clonyc?—Not at all. There never have been any from the town of Clonyc.

Rev. Canon Nicholson.—Supposing it was my turn to nominate from the parish of Clonyc, and I considered that I had a poor boy, it would be my duty to nominate him.

5192. I think the intention originally was that the charity was for the benefit of the entire diocese of Clonyc?—Yes, but Clonyc is part of his diocese.

Rev. Canon Nicholson.—I venture to say that if it was found impossible to carry on satisfactorily the school here, and to do something like what I am glad to see the Dean agrees with me about—with regard to the Cathedral; if that failed then I would be in favour of what is suggested with regard to the Midleton school. But I think it would be going directly contrary to the wish—I won't say that, but I don't think it would be following him up, if the effort was not made in this place.

5193. Lord Justice FRYGROVE.—And as long as it could be efficiently maintained here you think it ought?—Yes.

5194. And if it could not be efficiently maintained here it ought to go to Midleton?—Yes, I think so, but for poor boys only.

5195. Rev. Dr. Moir.—Should you think it desirable to establish one governing body for the two endowments giving power to deal with them, from

time to time, as the Governing Body should think best, either to apply the two endowments to one institution or to keep them separate?

Dean Fleming.—I would keep them separate.

Rev. Canon Nicholson.—I don't think there would be any object in that. I think the tendency is for small things to be swallowed up by great things, and if you did that we might be swallowed up by Midleton.

5196. Rev. Dr. Moir.—(to Dean Fleming).—What provision have you for primary education in the parish?—I have a girls' and infant school, and this takes the place of the boys' school.

5197. Lord Justice FRYGROVE.—Is the infant school under the National Board?—Yes.

5198. What number have you on the roll?—We have thirty-seven on the roll, and an average attendance of over thirty.

5199. You are able to get a class salary?—We are, so far.

5200. But you are very near the margin?—Very near the margin.

5201. What teacher have you got?—A certificated teacher under the National Board.

5202. What class does she hold?—First of second.

5203. Have you got a good school building?—A very good school building—quite new.

5204. Rev. Dr. Moir.—Do you consider that this school is doing work of a much higher standard than an ordinary National school?—Well, I think it is capable of doing it if the teacher was allowed to teach music, which he could, and Latin, which he could, and I believe he could teach a little French.

5205. But that is work which is done in a National Board school?—Well, I don't know; he is teaching music.

5206. National Board teachers very often teach music. How many day boys are there here from Clonyc and the neighbourhood?—Ten.

5207. Then really the benefit which Clonyc gets from this very considerable endowment is that ten boys get about the same education as they would get in a National Board school?—The town of Clonyc, yes; it is a school that certainly does that, and I want to have the benefit increased.

5208. This endowment is intended for the diocese of Clonyc?—Yes.

5209. The question is whether for the benefit of the diocese of Clonyc, it could not be better applied by confining it with the Midleton endowment?—I think it could not, because the boys there must be the upper class as boarders, and not poor boys.

5210. But two endowments of £200 a year, separated by a distance of five miles, will not be so efficient for educational purposes as if they were combined in one of the two institutions?—That depends.

5211. Another consideration is that there you have in Midleton a fine school building, which is only half occupied, while here you have a tumble-down sort of building without much accommodation?—The school here is fully well known as a school connected with Clonyc and connected with the cathedral, which gave the house with the object specified in the will. I think it would be very hard to take the endowment from the place.

5212. But all that would be taken away from Clonyc would be the National School education of ten boys. That is all that Clonyc would lose according to your own evidence?—I didn't say that.

5213. Rev. Canon Nicholson.—According to my theory, and according to the theory generally avowed, under the original constitution it was intended that the school should be a benefit also to the cathedral, and in that view the benefit to Clonyc is not the benefit of the education of ten day boys up to the National Board standard; it is the benefit to the cathedral.

5214. Has the cathedral got the benefit of it in the past?—Yes. You have the account that there are at present in the cathedral six boys in the supplied choir.

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 Very Rev.  
 Haines Town  
 and Fleming

5215. Professor DOUGHERTY.—Is that the distinctive character of a cathedral—the possession of a surpliced choir?—Well, it is one of the distinctions.

5216. Would you, Mr. Dean, prefer to have the endowment expended in the town of Clonra?

Dean Fleming.—I think so.  
 5217. And you agree with Canon Nicholson?—I think so.

5218. Lord Justice FITZGERSON.—I think you are agreed that if it cannot be efficiently maintained here Midleton is the proper place for it—that it should be associated with Midleton, from that out?

Rev. Canon Nicholson.—I agree to that thoroughly.  
 Rev. Dr. Moore.—In that case there could be a junior department in Midleton.

Rev. Canon Nicholson.—If it should be applied to Midleton it should be devoted to exhibitions for boys as it is in Clonra. They should not appoint boys from the diocese of Cork, they must live in Clonra and be appointed from the diocese of Clonra.

Dean Fleming.—Taking away the benefit of this school to Midleton would take away the benefit to our school boys here. They could not go to Midleton.

5219. You could supplement the endowment from the National Board Grant?

Rev. Canon Nicholson.—That would be the very thing.

Rev. Dr. Moore.—Would not the difficulty then be the religious difficulty?

Lord Justice FITZGERSON.—They have got over it excellently at Bandon.

5220. Professor DOUGHERTY.—To what religious difficulty do you refer?

Rev. Dr. Moore.—I hesitated by the discussion that your Commission had with Dr. Webster, that the National Board would not assist any school that is of any exclusive denomination.

5221. Dr. TRAILL.—It must be open; all the schools under the National Board are open to all denominations.

Rev. Dr. Moore.—Quite so.

Rev. Canon Nicholson.—Is it not a fact that the National Board would not give us a grant on account of the contribution of our school. I understand that that is a fact.

5222. Lord Justice FITZGERSON.—I don't see how that could be the fact provided you complied with their rules. You would have to arrange your education according to their rules. You would have to give your secular instruction separate.

Rev. Dr. Moore.—There would be no difficulty in relation to that matter.

#### AGHADA NATIONAL SCHOOL (ROCHE'S ENDOWMENT).

Mr. John McEvoy sworn.

Mr. John  
 McEvoy.

5223. Lord Justice FITZGERSON.—You are the principal teacher of Aghada National School?—I am the principal teacher of Aghada National School which was endowed and built by the late John Roche, junior, in 1819. An annual endowment of £30, late Irish currency, was left by the will of the late John Roche in support of the school. This endowment is paid regularly since.

5224. How much is the endowment?—£30, late Irish currency.

5225. Lord Justice NATHAN.—Have you got a copy of the late Mr. Roche's will?—I have not it with me.

5226. You had better send it to us?—Certainly. The school was placed under the National Board of Education in 1833.

5227. Lord Justice FITZGERSON.—It has been under them from the beginning?—Yes. The teaching staff at present consists of a principal, an assistant, and a paid monitor. The average number on the rolls in the last quarter was 130, and the average present ninety-one. The course of instruction embraces the programme of the National Board of Education, together with extra branches of physical geography, geometry, and mensuration; algebra and mechanics. The use of the sewing machine is also taught to the female children.

5228. Is it in connection with South Kensington?—No.

5229. Who is the manager?—The Rev. Canon Ryan, parish priest.

5230. Professor DOUGHERTY.—Do you teach drawing?—No, except as far as geometry is concerned.

5231. How is the school kept up—what means has it besides this small endowment?—The grant of the National Board. The grant from the National Board during the past year amounted to £133 14s. 6d. At the last results examination 103 pupils were presented for examination, and a sum of over £45 results fees was awarded for their answering, and had the Midleton Union remained contributory under the National

School Teachers Act the results fees would have been about £70.

5232. The £40 is included in the £133?—Yes.

5233. Do you know how the schoolhouse is held under Mr. Roche's will?—I can get a copy of the will from the manager. I think he has one.

5234. Who pays this rentcharge?—It is got from Captain Warren, the agent of the Roche Estate.

5235. To whom does he pay it?—To the principal teacher—myself, direct.

5236. Rev. Dr. MOLLER.—What denominations have you attending the school?—They are all Roman Catholics, if you except five Protestants.

5237. Lord Justice FITZGERSON.—Your school seems to be a very level school. Ten years ago the attendance was three Protestants and 134 Roman Catholics, and you say that now you have 130?—Yes.

5238. What is your average attendance now?—Sixty-one for the last quarter.

5239. That is a little improvement from ten years ago when the number was eighty-five. How many are your girls?—Thirty-eight.

5240. Does the school building include a schoolmaster's apartments?—No. The school was enlarged since by Canon Ryan.

5241. Is it kept in repair by the National Board?—No, only by the manager.

Mr. John LANE.—This school belonged and still belongs to the property, and it was reconstructed two years ago with parochial money.

Witness.—This school is not vested in trustees. Canon Ryan got the word "National" added on the stone when he improved it.

5242. Is Canon Ryan here?—No, he is not.

5243. You don't know what the title is to your rentcharge, or how you could recover it?—I only know I am paid it by the agent, Captain Warren; he lives on the South Mall, Cork. The endowment is paid in accordance with John Roche's will.

## PUBLIC SITTING—SATURDAY, OCTOBER 22, 1887.

Oct. 22, 1887.

At the Mall House, Youghal.

Present:—The Right Hon. Lord Justice FITZGERBON, and the Right Hon. Lord Justice NAIRN, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., D.C., ANTHONY TRAILL, Esq., LL.D., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, junr., was in attendance.

## \*YOUGHAL ENDOWED SCHOOL.

*Matthew John Porteus sworn.*

5244. Lord Justice NAIRN.—How long have you been head master of the Endowed School in Youghal?—Since about the middle of 1884.

5245. By whom were you appointed?—By the Duke of Devonshire.

5246. On what conditions were you appointed?—Simply to teach in the best manner and the most approved manner possible the youth entrusted to my charge in the Endowed School of Youghal.

5247. Did you receive any letter of appointment?—Yes, I received a letter of appointment [later produced and read].

5248. And you have acted as schoolmaster since your appointment?—Yes.

5249. Where is the school carried on?—In Church-street—at the upper end of the town.

5250. How many boys have you attending the school?—There are fifteen day boys at present attending the school.

5251. Have you any boarders?—I have no boarders. The house is rather unsuited for boarders—it is a small house.

5252. Had you been engaged in teaching before you came to Youghal?—Well, I have not been paid for teaching, but I have had a little experience in teaching at St. Luke's School in Cork. I was not a paid teacher there, but I have taught frequently the senior boys.

5253. Where were you educated yourself?—At St. Luke's School, principally, I also attended Trinity College. I am a senior sophister and mathematical honorem, and obtained first class at the Little-go. I am a candidate bachelor going on to my degree in January.

5254. What is the course of instruction you give at the school?—Most of the pupils at present are learning Latin and some Greek; and all of course take up English, Arithmetic, and all those branches. At present we have several of them learning Drawing, Chemistry, and Natural Philosophy.

5255. What Latin do they learn?—The Intermediate course of Latin is the present course I teach most of the boys in; and I might mention that last year one of my boys passed the matriculation examination of the Royal University, and this year another passed the First Examination in Arts, and the same pupil, I believe, intends to go up for the Second Examination in Arts. I have sent many boys in for the Intermediate examinations, and at the last two of them passed and obtained seven honors.

5256. Professor DOUGHERTY.—Honor marks in seven subjects?—Yes—honor marks in seven subjects, between them—one obtained four and the other three honor marks.

5257. Lord Justice NAIRN.—What salary have you got?—The amount of the endowment is £40 paid by the Duke of Devonshire, through his agent, Mr. Power.

5258. In addition to the salary you get from the Duke of Devonshire you have got school fees—I have school fees and also a school house.

5259. Is there any rent paid for the school-house?—No rent is paid for the school-house or for the plot of ground attached, but I am liable for the rates and taxes, the rates amounting to £5 this year.

5260. Dr. TRAILL.—What is the size of the ground you have?—About a quarter of an acre, I think.

5261. Lord Justice NAIRN.—What fees do you get from the boys?—All the boys attending do not pay the same fees. The fees at present this year amount to £50 in all.

5262. What is the highest fee which you receive?—£2 a quarter—£8 a year, according to the subjects taken. Those who do not learn classics do not pay as much as those who do learn classics.

5263. What is the religion of the boys attending the school?—There are eleven of the Irish Church, two of the Methodist Church, and two more of them belong to the Roman Catholic Church.

5264. Where do the boys come from that attend the school—do they all come from Youghal?—They all belong to the town of Youghal, all the boys do. The reason I have not taken boarders is that the house is not quite suited for boarders.

5265. Besides your school, is there any other school in Youghal at which a classical education is given?—I don't know that the Christian Brothers' teach classics, I don't know whether they do or not, Mr. Harold can tell you that, my lord.

Rev. Brother Harold.—Not at present, but I hope they will.

5266. Dr. TRAILL.—Besides the Christian Brothers' schools are there any other schools in the town at which they teach classics?—There is a National School and I believe they teach classics there, but I cannot tell.

5267. What classics are taught there?—I could not tell.

5268. Lord Justice NAIRN.—Have you an assistant master?—I have no assistant master, I do all the work myself.

5269. Professor DOUGHERTY.—Have you evening classes?—I have no evening classes, but I take tuition in the evening.

5270. You have not thought of starting classes in connection with the Science and Art Department?—I have thought of that. I have thought of starting classes in connection with that department, but I don't think any other institution in the town has anything of that kind.

5271. Dr. TRAILL.—Are you qualified in any way to teach in connection with the South Kensington Department?—I am not qualified for the senior stage. I have got a first-class in mathematics. I think there would be far better results in the school, but for the age of the boys. At present they are very young. I have four or five boys reading for the Junior Intermediate Examination next year.

5272. Lord Justice NAIRN.—Did you know anything of the school before you were appointed master yourself?—No, I had no connection with it previously.

5273. To whom did you succeed?—Mr. Westwood.

\* Appendix E, Hs. XV. (a) and XV. (a) p. 301.

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Matthew  
John Portman.

5274. Dr. TRAILL.—What rules were left for your guidance in the conduct of the school?—were there any?—There were no rules left for me to bind me down in any way. The boys were there, and I was left to my own discretion.

5275. Lord Justice NAIRN.—How many boys were in the school when you took it up?—Five boys came when I had the appointment first, and then in the first six months eleven boys came. After six months eleven boys came and attended the school.

5276. Professor DOWDNEY.—How long had your predecessor held the office?—I should think about three years.

5277. At the date of the last Commission the school was not in operation—was Mr. Westwood appointed after that?

Rev. Mr. Jones.—The school has never been interrupted, except for a very short time, when the master was sick. He was a very nice young man, but he got into consumption, and had to leave. I think for a short time the school was in abeyance then, and I think that on either one or two other occasions—but in no previous times, as far as my memory goes.

5278. Dr. TRAILL (to Mr. Portman).—The endowment was not originally £40—prior to the succession of the Duke of Devonshire the endowment appears to have been £30?—£30—yes.

5279. Rev. Dr. MOLLOY.—£30 Irish?—Yes.

5280. Dr. TRAILL.—Have you any free pupils at the school?—There are no free pupils.

5281. How is the balance of the £40 made up—is it by subscriptions?—No, it is paid by the Duke of Devonshire, through Mr. Power, his agent in Limerick.

5282. He only pays £27 13s. 10d.?—The whole of the money he pays, £40, at present—he has increased the grant to that.

5283. Originally the £30 was to be devoted in this way—£20 to the master, and £10 to an usher. You have not an usher?—I never heard of that.

5284. Don't you find it difficult teaching so many boys of all ages so many different subjects? How are you able to divide them into classes?—I take a few boys from nine to ten, and take chemistry from half past nine to ten. I take the senior Latin class after three, when the junior boys have gone home, so that in that way I manage.

5285. So it takes a great deal of extra time then?—It takes from nine until four nearly every day—half past nine until four.

5286. Lord Justice NAIRN.—What is the classical

course?—The course we are reading at present is the Junior Intermediate course for next year; but of course I have one man after reading for the first in Arts, and in the next year he will go in for the second in Arts.

5287. Dr. TRAILL.—Where did you learn classics yourself?—I learned classics at St. Luke's. There was a classical teacher there, and I was going to a private tutor for some time.

5288. Was that under Archbishop Archdall?—Yes.

Of course, in Trinity, I got further training in classics. 5289. Lord Justice FITZGERALD.—Are the premises in which the school is carried on the property of the endowment or of the Duke?—I think the premises are the property of the Duke.

5290. I see you have entered into an agreement to give them up to the Duke at any time on giving six months' notice?—Yes.

5291. Does anyone in this place take any interest in the government or management of the school?—Mr. Jones takes an interest in the conduct of the school.

5292. Has he any authority there?—Nobody in the town has any authority in the management of the school.

5293. Do you think you could get a larger number of boys if the people of the locality had any interest in its management?—I do not think you could get a larger number of the Protestant denomination. I don't think you could. If there was a better house I could establish a boarding connection. The house is not at all suited for boarders, as you can see.

5294. Rev. Dr. MOLLOY.—It is an interesting house?—It is interesting, but that is all about it.

5295. Still you have space for a dormitory?—It is a very poor place to put boys in there.

5296. I have seen much worse?—We hesitate to put boys there for fear the ceiling would come on their heads.

5297. Do you think the pupils now coming to the school really represent all the Protestant boys who want that kind of education?—I don't know.

5298. Professor DOWDNEY.—I think you told us that classics were taught in the National School. Does not the National School, therefore, to some extent, compete with your school?—I don't know about that—I don't know how much classics is taught.

Rev. R. Jones.—I think the two boys—for various reasons it is desirable that they should remain with us—who could not go to the one, and who actually could not go to the other.

#### Rev. Richard Jones sworn.

Rev. Richard  
Jones.

5299. Lord Justice NAIRN.—Are you the Rector of Youghal?—Yes.

5300. How long have you been such?—I have been nearly 23 years altogether rector.

5301. You have got a National School in Youghal?—Yes, and a very good one—the National School is a good one.

5302. I presume the majority of the boys, if not all, attending that are your parishioners?—Everyone of them are members of the Church of Ireland. I think there may be perhaps one or two Baptists, and one or two Catholics at present attending the school.

5303. What number have you got on the rolls?—Ninety-three.

5304. What is your average attendance?—Our average, as well as I remember, is about 65.

5305. Lord Justice FITZGERALD.—Is that boys and girls?—Yes.

5306. Lord Justice NAIRN.—Are any of the boys attending the school instructed in Latin?—Yes, two.

5307. And with the exception of those two boys is the instruction given to all the other children of a

primary character?—Yes, of a primary character, but the very best we can give of that kind.

5308. Lord Justice FITZGERALD.—Of what class is your master?—He is first of the second.

5309. Lord Justice NAIRN.—Do you know how the Endowed School has been carried on since you came to Youghal?—Yes, for the time I am here; for the 23 years I am here.

5310. Who was the master when you first came here?—I have a bad memory for names, but he was a gentleman who was afterwards ordained. I forget his name.

5311. What was the state of the school when you first came here?—It was very fairly efficient.

5312. What number of boys was in attendance?—Merely from recollection I am speaking. I saw my, perhaps, I think as well as I remember, the number at that time was probably 25 or 26.

5313. Lord Justice FITZGERALD.—Did any number of Catholic pupils attend it at any time since you remember?—There always have been two or three.

5314. Dr. TRAILL.—Were those day boys?—It has been entirely and exclusively day boys who have been

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attending except during Mr. Westwood's tenure, and he found the school buildings quite unsuitable for boarders on account of their bad situation and the narrow little lane in which they are. He took a private residence in the town, where he boarded and lodged the boys and they attended the school, where they have a fine schoolroom.

5315. How many boys had he in that way?—I am simply speaking from recollection. He had probably six or seven boarders and may be thirteen day boys.

5316. Lord Justice FRYGEMAN.—Could this endowment be made more useful than it is at present by making it available for a higher class of education in your National school—by supplementing the teaching of classical?—I think so, but I suppose we would have to move up to the other building.

5317. Have you got a suitable building?—A very fine one, the finest probably you have seen.

5318. Where is it?—In South Abbey. It was a small church or chapel of ease connected with the parish church which was converted into a schoolhouse.

5319. Is that the building we saw on the left hand side that is like a church?—Yes.

5320. Is that since the disestablishment?—Within the last year. It was a chapel of ease. It was not necessary so we converted it into a parochial hall and schoolhouse.

5321. What is the Protestant population of Youghal?—For the last five years we have been oscillating a little—a little above or a little below 600. We have never raised ten above 600 or fallen ten below 600 for the last five years.

5322. Your school population may be taken at something about 100?—Yes, the numbers at our school on the roll are ninety-three.

5323. Lord Justice FRYGEMAN.—Do any of the boys go from Youghal to Middleton, or Cork for the purpose of education?—There were boys going, when the Endowed School was not as efficient as it is now.

5324. Lord Justice FRYGEMAN.—There was a proposal of Mr. Mahaffy's to assign the endowment of Youghal and Middleton—what would you say to that?—I think it would be most undeniably an extraordinary proposition.

5325. You don't approve of it?—Most certainly not. As well as I understand it was this—that the £30—because £30 is the regular endowment, and I say that I represented to Mr. Curry and through him to the Duke, eight or ten years ago, that I thought it was capable of being made a very much more efficient grant if he would increase it, and he did increase it accordingly by £10.

5326. Has the Duke of Devonshire retained his property in Youghal?—Oh, no, except the schoolhouse and five or six old almshouses, which were built by the Great Earl of Cork who built the Endowed School and also endowed these almshouses. That is the only property he has in Youghal.

5327. Haven't he the right to the fishery in the river?—Yes.

5328. What is the endowment of the almshouse?—As well as I remember it is £5 a year and a little odd, for each widow.

5329. Rev. Dr. MOORE.—And the house rent free?—Yes, and it is a very curious house.

5330. Dr. TRAILL.—How many widows are there there?—There are six.

5331. Rev. Dr. MOORE.—You do not approve of Mr. Mahaffy's proposal?—Certainly not.

5332. It was a sort of educational migration scheme?—Quite so, and I think it would be doing a great injury to the town—quite so.

5333. Dr. TRAILL.—It is too far to go to Middleton?—It would entail a journey to the extent of thirty miles a day.

5334. How many boys would the £30 Irish carry to school?—I don't know. On what scale?

5335. Supposing they went third class?—I suppose five or six.

5336. Lord Justice FRYGEMAN.—They would not get a return ticket between this and Middleton much under 1s. a day?—They would not get it except at special terms; I think for other reasons it would be most objectionable. I think the school is doing fair work in teaching.

5337. You think there is sufficient demand for a school of this character?—I do, and I think only for the exceedingly efficient nature of the Christian Brothers' school and our National school, I am sure there would be a great many more who would come to us, and that our number in the Endowed School would be increased.

5338. Do you think the position of the school would be improved if there was a local governing body for its management, consisting of certain members of your congregation and yourself?—I do not. I think it is as well managed as it is.

5339. Who manages it at present?—Well, I may say, I think the last two appointments were made very much at my suggestion, but beyond that I occasionally visit.

5340. So that there is no manager, but there is a head master appointed?—Yes, and I exercise a sort of supervision in a friendly way.

5341. But you have no right whatever?—None whatever. I communicated with the Duke when the school was in a bad state. I wrote to him, and to Mr. Curry, his agent in Lismore.

5342. Rev. Dr. MOORE.—What do you think of the proposal to apply the endowment to the improvement of the National school, and thereby to provide a higher class of education in addition to National School education?—I think it would be a very good plan.

5343. Lord Justice FRYGEMAN.—You are the manager of your own National school?—I am.

5344. Are the premises vested in the Representative Church Body?—They are.

5345. Lord Justice FRYGEMAN.—I presume you would have to consult the Duke of Devonshire or his agent as to any new application of the endowment?—Well, except this, that some years ago the school, owing to a variety of causes, the repeated change of masters, and of one of the masters especially who took not the slightest interest in the school, the school had fallen into a very low state, and the Duke was half disposed—was very much disheartened about it, and I thought he was doubtful as to whether the endowment might not be better spent, and I wrote to him saying that it would be a great pity to take away the endowment.

5346. Did you enter into correspondence with him?—Yes, through Mr. Curry.

5347. What was the result?—The result was that the endowment was increased to £40 a year, and having been then placed in the charge of a good master like Mr. Westwood, the school improved at once, and has been in a most flourishing state for some years.

5348. Dr. TRAILL.—Do you think it is a good thing for education to have a small endowment of £40 expended on a school with a single master teaching that school, whose whole number of pupils is fifteen. Do you think it is an efficient school, without throwing any reflection on the master who, I have no doubt, is doing his best?—I think the school is doing good work, and I think if the school was abolished a great want would be felt.

5349. Would there be no possibility of its doing work of a larger and more practical character, if you could get an assistant master, say from the National school, acting as a feeder to these fifteen boys?—It would enable him to get an assistant master—so as to divide the small boys from the elder boys?—I think it would be very advisable if it could be done.

5350. If a local government were attached to the school?—What local government?

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5351. Some such board as you might like to form to help in the management, and then you would feel bound to send boys to it from the National school, instead of competing with this school?—That is not what Lord Justice Fitzgerald suggested. He recommends that the National Board endowment should be given to our school.

5352. Lord Justice Fitzgerald.—What I was suggesting was that this Grammar School education might be a department in the National school?—I think it would be a very good plan.

5353. You might have more boys than fifteen being educated at the same expense?—I think it would be a good plan.

5354. Dr. TRAILL.—How many boys do you think you could add from your school—you say your school is junior to that school—how many boys have you beyond the sixth class. Have you any boys in the sixth class?—We have.

5355. How many could you send. Do you send up boys to learn classics?—One of those boys could not afford to go.

5356. Lord Justice Fitzgerald.—We found in the case of a corresponding endowment to this that there were a certain number of free boys?—Then have never been free boys in the endowed school here.

Mr. Porteus.—I may mention that we have got several boys from the National school, five boys at least. They come to me from the National school.

5357. What do they pay?—Some 30s. per quarter.

5358. Professor DEVEREAUX (to Rev. Mr. Jones).—With reference to the proposal to apply this endowment to your National school, do you see any objection, from an educational point of view, in combining primary and intermediate education in an elementary school?—Not if we have a sufficient number of teachers.

5359. But if you are provided with a sufficient number?—I think that would be a good plan.

5360. Lord Justice Fitzgerald.—As far as we can see, there are three of these endowments in the hands of the Duke of Devonshire. Two of them we have seen and one we have not seen. They appear to have been founded by one of his predecessors, and were maintained by him and kept under his own management, and therefore any suggestions we throw out can only be the foundation for subsequent correspondence, and we would wish them to be so considered. The only burden on the Duke is £30 a year Irish.

5361. Dr. TRAILL.—Does the Duke spend any money on the repair of the house?—Yes.

5362. Is it kept in repair?—Yes. They are called "free schools" by the will of Lord Cork, but we could never trace any free scholars there.

5363. Lord Justice NADEL (to Rev. Mr. Jones).—Your view, then, are that this endowment should be kept in Youghal?—Yes, decidedly.

5364. And you don't appear to think that the present management of the school could be very much improved?—I think not; I think that the school has been doing very fairly well.

5365. Lord Justice Fitzgerald.—Surely it would be an improvement in the management of it if the people managing in your position had some *locus standi*. Now, you have no right to interfere?—No.

5366. The present manager—the head master—is appointed by the Duke?—Yes.

5367. Under that system one of the previous masters and his position, so that the school got into bad repute?—Yes.

5368. There was no manager to pull him up?—No, none with any authority to do it. But it was represented to the Duke by me, and to Mr. Curry, the estate that the school was in, and he immediately corrected it by calling upon the teacher to resign.

5369. You are dependent upon three individuals, because the Duke himself takes a very active interest in these matters, and as it happens you, the incumbent, takes an active interest, and the head master, as it happens, is efficient?—Most efficient.

5370. But you are working on a treble chance of inefficiency to act. As I understand the Duke of Devonshire has no longer got any property in the neighbourhood, and we all know that he owned property here formerly?

Mr. Power.—He has no property now, except the almshouse, the school, and the bakery.

5371. Dr. TRAILL (to Mr. Power).—Was the property sold?—The property was sold about twenty-five years ago.

5372. Dr. TRAILL (to Mr. Porteus).—Are there any materials for giving girls an education in your school?—No—none, supposing I don't go in for extending the school.

5373. Could you supplement your classes by girls?—I think I could.

5374. How many girls do you think you could get—about an equal number with the boys?—I have been applied to by two ladies already since I came here.

5375. Is there anything to prevent your making the experiment on a day school?—There would be nothing in a day school, I suppose, nothing.

Rev. Mr. Jones.—I think it would be a terrible injustice to Youghal to remove the endowment from Youghal as Mr. Mahaffy proposed, and I am sure it would be a great injury to the town, and many people would feel the loss very much.

5376. Dr. TRAILL.—Fifteen is the number of pupils, and that is a small number?

Mr. Porteus.—I might mention that several pupils have told me that if the endowment was taken away—if the endowed school was closed, they would send their sons to the Wesley College, and more; and too, I think, at least, would send them elsewhere than in the town.

5377. Send them away as boarders?—Yes.

5378. I thought the difficulty was paying £8 a year? That is not the difficulty.

5379. It would be more costly to send them to Wesley College and have them educated there?—I think they would not get so good an education here for the money if there did not happen to be an endowed school.

5380. Lord Justice NADEL.—This school is the property of and retains the endowment given by the Duke of Devonshire, the Duke being the patron and the master being appointed by him, and under the circumstances we do not think we can deal with it without the consent of the Duke. We would be very glad if some scheme were prepared by or under which the advantages of this school may be extended. If the persons interested in the matter brought any plan before us we would endeavour to arrange with the Duke of Devonshire for the purpose of framing some such scheme.

Mr. Power.—I have no doubt that if some scheme were formulated by you, the Duke would favourably consider it.

5381. Lord Justice Fitzgerald.—It would be desirable to form a local committee for the class for which this school is provided by the Duke, who would themselves have an interest in it, and who would be bound, more or less, to supplement the small endowment of the Duke.

Mr. Power.—At Lismore, the Dean of Lismore and myself are visitors to the school.

5382. Lord Justice Fitzgerald.—But here we have no visitors?

Mr. Power.—Practically, the rector, Dr. Jones, always has visited, but he has no *locus standi*.

5383. Rev. Dr. MOLLOY.—If the head master did not wish he need not admit him?

Mr. Power.—Not without the consent of the Duke of Devonshire.

5384. Lord Justice Fitzgerald.—Can you tell us how the schoolhouse is held—whose property is it?

Mr. Power.—It is the Duke of Devonshire's.

5385. Lord Justice FRYGROUSE.—Does it belong to the endowment, or is it his own?

Mr. PATER.—It belongs to the endowment. It is the only schoolhouse that was built in Lord Cork's time. It is very old.

5386. Lord Justice FRYGROUSE.—Then we may take it that the building belongs to the endowment?

Mr. PATER.—In Youghal I think it does, but in Lismore or Bandon there are no traces of the old schoolhouses at all.

5387. Lord Justice FRYGROUSE.—Were they rebuilt in those cases by the Duke?

Mr. PATER.—They were re-built.

5388. Lord Justice FRYGROUSE.—And this is not re-built?

Mr. PATER.—No, this is the original schoolhouse as far as we can trace. In the old cash books as far as 1660 to 1700, I have traced payments to the schoolmasters of Youghal and Lismore.

5389. Lord Justice FRYGROUSE.—Yes, but the school premises do not appear to be of much value—there is no land with it?

Mr. FORTESCUE.—The playground is the only land, and that does not belong to the school.

5390. Lord Justice FRYGROUSE.—All that belongs to the school is the building itself.

Mr. FORTESCUE.—And the little yard behind.

5391. Lord Justice FRYGROUSE.—Would the buildings sell for anything if they were devoted to any other purpose?

Mr. PATER.—House property is not very valuable in Youghal. It would realise something, but it is not a home suitable for boarders.

5392. Lord Justice FRYGROUSE.—It seems to have been one great hall originally?

Mr. FORTESCUE.—The whole place was one schoolroom, all the bedrooms were part of the schoolroom as it appears to me.

5393. Lord Justice FRYGROUSE.—We shall be happy to take further evidence if any one is willing to give it to us?

Very Rev. Canon KELLER, F.R.S.—If you have no objection I should like to make a remark or two in addition to what has been said already in regard to this particular endowed school.

Very Rev. Daniel Canon Keller, F.R.S. sworn.

5394. Lord Justice FRYGROUSE.—You are parish priest of Youghal?—Yes.

5395. You wish to make a statement with regard to the Youghal Endowed School?—I should like to make some remarks in reference to it, because as far as I can understand there seems to be a pretty general feeling of dissatisfaction amongst the Catholics of the town—whether the dissatisfaction is well founded or not of course I cannot say—that this school was really—that this endowment was really an endowment for the whole population of Youghal as far as it could be reached by them, and that practically, as you are aware, of course, at present it is entirely confined to one denomination of the people here. Of course I understand from what has been said here that the endowment is altogether a private one, but whether besides being a private one it was originally to be strictly a denominational endowment, I should rather presume not, because I know in other parts of the county of Cork, as far as I can learn, the endowments given originally by the Earl of Cork were intended, or at all events were utilized to a large extent by the general population. I may mention for instance, one case in Chichester where an endowed school existed, had a flourishing existence and then disappeared altogether; and then the Earl of Cork after consultation with the parish priest made an arrangement by which the school was revived and it is in existence still and availed of to a considerable extent by the Catholic population of the place. This endowment was founded in 1643, by the Earl of Cork, and the present Duke of Devonshire is his representative.

5396. The denominational character of the endowment arises in this manner: The £30 was given to the free school that the Earl of Cork had himself founded and endowed with a schoolhouse, keeping the appointment of the master to himself and his successors. Therefore, the difficulty is to see how an endowment can be administered where the individual who has the appointment of the master may not select a person otherwise than in accordance with his particular views which may not be acceptable to Catholics?—Yes, but the only thing would be if the original deed of endowment could be traced in any way, to know how far the present representative of the original Earl of Cork is bound to pay for endowments with a denominational intention.

5397. This trust unquestionably intended that the benefit of the school should be extended to all classes who were willing to come to it?—Well, that is my precise point. It so happens that the endowment

may not be availed of by the Catholics of the town to any appreciable extent on account of its being of a purely denominational character.

5398. Unless the Duke of Devonshire were to appoint a master acceptable to Catholics, or unless they accepted the master that he chose to appoint, I don't see how your view could be realized?—If a scheme was formulated by the Commission that would be acceptable to Catholics—if any scheme could be adopted by which all parties could avail of an endowment such as this, and if the Duke of Devonshire were to agree to that scheme, it is quite possible that it might be so shaped.

5399. What suggestion would you make as to how that could be done?—Well, I have been turning over the matter in my mind; first, I am thoroughly convinced that the present school, both with regard to endowment itself and with regard to the school itself as it stands, can never be availed of to a degree that would result in any practical use to the people here. The endowment is too small, and the school is too small; and, consequently, if with the endowment the house were sold and the money capitalised was added to the income—why something decent could be provided—not sufficient, I believe, to pay a teacher, but still it could be used as a subsidy. Now, for instance, without referring to this particular subject, if I had the control of an endowment amounting to even that which I should, by means of that, establish an excellent intermediate school here.

5400. Is there any intermediate school for Catholics in Youghal?—There is an intermediate school in connection with the Christian Brothers, but we don't teach classics at present, and it would be very desirable that classics were taught there. If I had that endowment and it was at my disposal I should establish intermediate classes at the Christian Brothers' School, have a special master to teach classics and have by that arrangement both an intermediate and university course which I could never do by means of that endowment alone.

5401. Rev. Dr. MONTAGU.—You think the endowment would be more useful if applied to supplement the resources of an existing school?—Yes, applied to supplement an existing school.

5402. Then it would if applied to maintain an independent school?—Yes, that is so. Such a scheme would place this endowment more at the disposal of the general public.

5403. Dr. TRAVERS.—Don't you think if a change of that sort were made it should be put in connexion with the Protestant school rather than yours?—I would

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Twiss.

Very Rev.  
Canon Daniel  
Keller, F.R.S.

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Very Rev.  
Canon David  
Keller, &c.

not naturally suppose that, because when this endowment was originally made I should say that one of the reasons of its being made was, that the Earl of Cork was receiving rents from people who were nineteenth Catholics, and presumably it went to benefit his own tenants.

5404. His intention has been evidenced by the fact that he always appointed a Protestant master, and it was open to the Roman Catholics if they chose to come!—Yes, I know, for Catholic masters were forbidden to teach.

5405. Supposing a Roman Catholic gave the money, and it was open to Protestants to attend, and supposing the Protestant denomination would not come, do you think it would be reasonable to take his money and apply it to a Protestant school?—The point is that we have no information whatever as to his intention, as it is not stated.

5406. Lord Justice FRYGROVE.—I don't think there is any difficulty about the facts of this case, because the provisions of the will were substantially these—that the Duke gave a rent-charge of £300 Irish for the support of a school which he himself founded in Youghal and directed £30 to be paid to the master and £10 to the assistant. It was an endowment to a school that was then existing, which is here still, of which he had the sole patronage and the appointment of a master. No one could interfere with him if he appointed a Christian Brother to be head-master!—I don't say that anyone could interfere, but I say that if a scheme were submitted and his consent asked to approve of such a scheme as would place this endowment at the service of the general public—if any such scheme could be formulated all would be well.

5407. It is too small for that!—The sum of the present endowment is too small to support an independent school.

5408. Would you propose that the school to be established should be undenominational?—Well, it would be very hard to do that. We have no Catholic National school here except the Convent school. The Christian Brothers' is the only school for boys in Youghal.

5409. Do you think that the Protestants would have any objection to avail themselves of your school?—I dare say they would object to avail of it, and that is the reason that I, in the event of our not agreeing in the scheme that I would suggest a secondary scheme such as disposing altogether of the property, and adding the income to the present revenue, and placing it at the disposal of a master in Youghal who would prepare boys for Intermediate education, and distribute this income pro rata for their passes at the Intermediate examinations.

5410. Don't you think it is too small for that?—I don't think it is.

5411. Do you mean to give it in results first?—Yes, I think it would be something, giving to the masters of the school, let them be Protestant or Catholic.

5412. It would not become smaller using it in that way, and you think it would go farther in assisting education?—Yes.

5413. Have the Catholics of Youghal been in communication with the Duke in reference to this matter?—Not recently, that I am aware of. Of course I am here only a couple of years. Originally the Duke of Devonshire gave a grant of £50 a year to the Catholic National school that existed here, but for some reason that I have not been able to trace, the Duke of Devonshire ceased to pay that the assistant the National school ceased and the Christian Brothers' school was introduced. We are at considerable difficulty at present in the town to—

5414. Why was the National School discontinued—was it under Roman Catholic management?—Yes, the people preferred to have the Christian Brothers.

Mr. Power.—The Duke of Devonshire subscribes to all the National Schools on his property, and I

have no doubt that when he sold his property here his subscription was discontinued.

Rev. Canon Keller.—But still he has very considerable property in the river. It is nothing but profit, and the fishermen pay him a considerable amount of rent. We have quite 120 men engaged in fishing. Their boys come to the Christian Brothers' school. It would be very advisable if he would renew his subscription to the Christian Brothers' school.

Mr. Power.—He sold all his property, and the fishery brings in a very small rent in consequence of the very great expense incurred in watching it, and preserving his rights.

Rev. Mr. Jones.—There is one objection that would militate against us—in reference to Canon Keller's devoting the endowment pro rata with regard to the passes in Intermediate Education. It would be ruinous to us, for this reason, that our school is in connection with the National Board, and we could not prepare boys for the Intermediate Examinations at all suitably in accordance with their rules.

5415. You could not get results first!—In accordance with the rules of the National Board the subject matter which they would have to prepare is matter not necessary for the inspection of the Government inspectors, and in that way we could not comply with the National Board regulations. And furthermore, that matter, as regards learning poetry by heart, would not tell with us at all, you know.

5416. Preface DOCUMENT.—Is that your idea of the Intermediate Examinations—that they are merely to teach people to get poetry off by heart?—I prepared boys considerably for them—and other things would not tell with the Inspector of National Schools.

5417. Rev. Dr. MOLLOY.—Would not that difficulty be got over if the endowment were divided between the two schools in proportion to the number of pupils attending—each would get the benefit of the endowment in that way?—That would be a more feasible plan.

5418. Dr. TRAILL.—That would leave you a very small quantity?—Yes.

Very Rev. Canon Keller.—It would establish a just proportion.

5419. Lord Justice FRYGROVE (to Canon Keller).—What are the numbers attending the Christian Brothers' School?—The numbers on the roll—Mr. Harold, who is the Inspector, will give you details with regard to that school. I think there are 400.

5420. What is the population of Youghal?—In 1881, in the township the population was 5,396.

Rev. Mr. Jones.—About 600 Protestants and the rest Roman Catholics?—Yes.

Rev. Mr. Jones.—Of the 600 Church people, there are about 45 Presbyterians.

5421. Rev. Dr. MOLLOY (to Canon Keller).—One great difficulty is the appointment of the head master—in fact that involves the question of the whole endowment; because the head master, under the original deed of trust, is entitled to a salary, and the assistant to so much, and the Duke of Devonshire has the right to appoint the head master!—Unless he was willing to surrender that right.

5422. If the Catholics of Youghal met together and submitted to the Duke their claims to this endowment, and represented that they are practically excluded from it at present, you might get us authority to deal with the endowment as we might think best?—Yes.

5423. Or perhaps the Duke of Devonshire might be induced to increase the endowment?—Of course, I understand it could be only done with his consent.

5424. Dr. TRAILL.—If you can devise a plan by which you could pay a head master of both denominations out of the £40 a year, it would solve the problem beautifully?—Yes.

5425. But it is not for us to press you to solve the

difficultly.—Yes. I may illustrate that by stating that while we are at present without any classical teaching—that I could if I had sole control—though I know it would not be enough—I could nevertheless subsidise the school in such a way as would pay for a classical teacher.

5435. Lord Justice Fitzgerald.—The only advantage of these endowments is where they are made the nucleus for enabling a master to be permanently established. Here it is keeping a master in the place who is teaching fifteen boys—I have no doubt whatever that the gentleman who at present teaches the school is a very efficient and successful teacher, but I think it has been remarked here during the course of the examination, a school contributed no that is, is very liable to vicissitudes—liable to have teachers coming and teachers going. For instance, no teacher would desire to remain there—he takes that as a stepping stone—and a want of permanency will ultimately tell against a school. And of course a limited number of pupils does not afford any stimulus to a man, and it would have no attraction for his ambition, a school like that. Therefore, from many

points of view the school, looking all round is unsatisfactory—at least if you take it in connection with the educational interests of the mass of the people.

5437. If you got State aid, and it was given to the Christian Brothers' school, you would not mind this endowment?—As long as it is at the disposal of the Duke of Devonshire, I would not trouble about it.

5438. The Protestant members are so much smaller than yours are, that if you were able to avail yourself of State aid it would be more satisfactory to you?—It would be very desirable if State aid could be afforded to the Christian Brothers without requiring them to accept it at the expense of any humiliation.

5439. If Dr. Trull got you £100 a year you would give up your claim to the £40?—Indeed we would. If we were subsidised by the National Board, I would not be content with even £100.

5440. You would get more?—With capitulation and results as I would get, I am sure, £400 a year. The Catholics have done a great deal for the Christian Brothers' school here, besides the people support the Brothers by a weekly collection.

#### CHRISTIAN BROTHERS' SCHOOL, YOUGHAL.

5431. Have the Christian Brothers in Youghal got any endowment?—

Rev. Canon Keller.—Yes. Perhaps I should mention that the first and chief means of support of the Brothers are the voluntary collections of the people, and in addition to that there is an endowment that I may calculate at £30 a year—in house property—they get that out of house property. I do not count anything for support of the Brothers, inasmuch as it is provided for by the collections. This is a mortgage tax; we give free residence to the Brothers, and I don't calculate any profit out of the house property.

5432. How was the house property derived?—It was purchased in the Incumbered Estates Court, when the Lord's property was sold. It was purchased by the late bishop and parish priest for school purposes.

5433. How much money did they pay?—They bought the property, but borrowed money on mortgage for the purpose of helping them to buy it. The interest on the mortgage amounts to a sum of £38 or £39 a year.

5434. How much is the produce out of the property?—Practically nothing for the support of the Brothers,

we have to depend upon collections for their support, but the teachers have a free residence on the property. One of the houses is a splendid house on the property. That splendid house is a free residence for the teachers. It brings no income for the support of the teachers—the house property is a perfect blank in that respect, but there are twelve and a half acres of land—first class land, in the immediate neighbourhood of the town—called "the Town fields," that used to bring £40 or £45 a year, but we released the rent for the tenant and now it is producing not, £80.

5435. Who has the management of that property?—It is vested in trustees. I receive the rent, though I do not happen to be one of the trustees just now. Two of the trustees died.

5436. Who are the trustees?—I believe the Superior General of the Christian Brothers is the surviving trustee. The bishop, the parish priest, and the Superior General of the Christian Brothers are the three trustees, but there has been no renewal of the trust since the bishop died and Canon Murphy who was my predecessor.

#### Rev. Brother Harold sworn.

5437. Lord Justice Fitzgerald.—You are head of the Christian Brothers, who are managing the school here?—Yes, in Youghal.

5438. How long have you been here?—For fifteen years.

5439. How many Brothers are engaged in teaching here?—There are five engaged in teaching.

5440. You have five schools?—No, four schools and I superintend the whole.

5441. What is the number of pupils attending at present?—There are 450 on the roll.

5442. What is your average attendance?—403.

5443. Is that the year's attendance or the quarter's?—Well we have just made it up now, the present average is 403.

5444. How are your departments divided?—Into four departments—four distinct rooms.

5445. Have you got an Intermediate department?—We have.

5446. How many boys have you in that?—We passed 181 for the Intermediate Examinations since 1851.

5447. Dr. TRULL.—Was that the first year you sent them up. Could you not give us the number in the class at any one time?—We passed thirty-two this time.

5448. Are there more in the class than were passed?—Yes.

5449. How many were there in the class?—We sent in forty-seven.

5450. Did you send in the whole class?—Yes.

5451. Rev. Dr. MALLON.—Have you a centre in Youghal?—Yes; in our schools.

5452. Lord Justice Fitzgerald.—In what grades did the thirty-two pass?—In the three grades.

5453. Do you remember how many you passed in the senior grade?—We had two in, and one passed and retained an exhibition in the senior grade.

5454. How many in the middle?—I think six or seven, but I am not perfectly sure, all passed.

5455. So that you had twenty-four who passed in the junior grade?—Yes.

5456. What other exhibitions have you in the school besides the one retained?—We got six exhibitions in the three I speak of.

5457. Rev. Dr. MALLON.—An average of one each year?—Yes, and we retained seven exhibitions in the different grades—in the middle and senior grade. A boy getting a junior exhibition retains that in the senior grade.

Oct. 26, 1887.

Very Rev.  
Canon Daniel  
Keller, R.P.

Rev. Brother  
Harold.

Oct. 22, 1907.

Rev. Brother  
Harold.

5453. Lord Justice FRYGIMSON.—Thirteen different boys got exhibitions!—Yes, in that way, we got six distinct exhibitions—six new exhibitions, and twenty-two prizes.

5459. Rev. Dr. MORROW.—And these were retained seven times!—Yes. It is equal to a new exhibition, because the boys must pass in the new grade.

5460. Lord Justice FRYGIMSON.—Do your boys pay anything!—Out of the £93, 183 pay.

5461. The remainder pay nothing!—220 pay nothing.

5462. I suppose the ground is that they cannot pay!—Yes.

5463. Rev. Dr. MORROW.—You take all that offer themselves—and those who are able to pay pay 1d. a week!—Yes. Some pay a little more, because we have seven paid pupil teachers in addition to ourselves.

5464. How much do the school fees amount to!—The school fees last year amounted to £53 6s. 2d.

5465. Lord Justice FRYGIMSON.—Have you the amount of the results fees at the Intermediate examinations!—I have not that.

5466. What means have you for sustaining the school!—Canon Keller sends me a cheque every quarter.

5467. That is a cheque for the support of the Brothers!—Yes.

5468. Is that at the rate of £40 a year each, as at other places!—Yes.

5469. Who administers the money you get in the way of school fees!—I do.

5470. That goes to provide school requisites!—It goes to pay monitors and pupil teachers' fees, for poor boys, for free school requisites, and sundry repairs.

5471. Canon Keller keeps the building in repair out of the endowment!—That is the residence.

5472. Only the residence!—He does also for the school any important repairs.

5473. Small repairs you do yourself!—Yes. We add out £27 4s. 2d., and get only £53 6s. 2d., so that we laid out on the school very much more than we got.

5474. Have you made any calculation as to what your school would get from the State if you were in connection with the National Board!—I have not.

Very Rev. Canon Keller.—I calculate very close on 21 a boy. For instance our nuns have 600 girls attending and they get very close on £500 a year.

5475. Then the rules are the same for boys and girls, they being under a community!

Rev. Brother Harold.—Yes.

5476. You suffer by not having the advantages offered by the National Board!—In a pecuniary way we do.

5477. Dr. TRAILL.—Are the Convent Schools under the National Board!—Yes.

5478. All the difficulties are got over in their case!—I don't understand how they get over the difficulties, I know I could not get over the difficulties myself.

5479. Lord Justice FRYGIMSON.—What is the difficulty!—I would not give up any religious emblems for all the money that the National Board could offer me. I would put off my coat in the morning rather than I would submit to remove the statue and other things out of my school. I joined the brotherhood forty years ago with that view.

5480. And I think the use of the books is also a difficulty!—Yes, that is a difficulty.

5481. Dr. TRAILL.—Are not the books very expensive to buy!—No.

5482. Do you use the National School books!—No. We sell our books much cheaper than the books we use for the Intermediate.

5483. Your books are twice the price of the National school books!—The country must pay the difference.

5484. We find the National school books in use in similar schools to yours!—Not in our schools, not in the Christian Brothers' Schools.

Very Rev. Canon Keller.—I should say it would be

only fair for the Christian Brothers, and their establishment, if a public grant in some form in which they could freely accept it, were given them. Some portion of it could go to subsidise the publication of their books as in the case with the Commissioners of National Education, so as to render their books cheaper.

5485. Lord Justice FRYGIMSON (to Witness).—Would you be satisfied that the books used, if put on the National Board, were subject to inspection beforehand!—That is a question I would not like to answer inasmuch as I don't know what charges there may be.

5486. Don't you think the State has a right to inspection!—I think the State ought to be perfectly satisfied to have children thoroughly made up in their education, and to see that they are taught nothing vicious or bad.

5487. In other words that they have a right to inspect the books!—Yes.

5488. I don't understand you to say that you would ask to have your books put upon the list except as books approved by the Board!—Well, I think if a scheme could be got up on the same lines as the Intermediate education, and a capitation grant could be paid in that way, if they simply paid us for pupils, I think that would be a better scheme, something on the lines of the Intermediate education system.

5489. That would still leave you without the provision of books at a cheap rate for the use of the scholars!—Well, it would.

5490. Then in fact you are excluded from the benefit of this public endowment simply because you have religious emblems in your school!—Precisely; almost so I say.

5491. Dr. TRAILL.—You would not ask for salaries for the teachers from the State!—Indeed I would not, but I am only an individual.

5492. I think it would not be in accordance with the rules of your Order that your teachers should not get salaries!—I don't know what it should be, but I don't think it is.

5493. Lord Justice FRYGIMSON.—We always understood that the maintenance fee of £40 was, and was, an official item!—Quite so.

5494. Dr. TRAILL.—You do not propose that the Brothers should qualify as State teachers!—I am not prepared to say. I am only an individual.

5495. I am most anxious that you should get a grant!—I think in the way I have indicated it would be of benefit to us.

5496. Lord Justice FRYGIMSON.—I suppose you would not be afraid to submit yourself to examination as a competent teacher!—Well, I think not. I think forty years' experience ought to qualify.

5497. Nor submit your schools to inspection to see that they are competent schools!—Certainly not. I think our schools if examined in the morning would pass an examination without any previous testing.

5498. Do you subscribe to the conscience clause of the Intermediate Examinations!—No.

5499. Don't you put your schools under the Intermediate Board at present!—We do.

5500. Didn't you agree to the conscience clause under that system!—I am not aware of any conscience clause, except simply that they send round their superintendent and he examines the children, and those who pass, their results are paid for.

5501. Do you know that the paper relating to the results fees contains a statement as to a conscience clause. You sign a paper that no child is excluded from any teaching on account of his religious belief!—I don't look upon that as important, because they are all Catholics.

5502. Would your schools be open to Protestants!—Certainly, and I have had them from time to time elsewhere.

5503. And any child may go in for the Intermediate results!—Decidedly.

5554. Lord Justice Fitzgerald (to Canon Kellier).—Do you know the number of girls in the Presentation Convent?—We calculate the average at 500.

5555. How is that school maintained?—By being in connection with the National Board. They get the agitation grant—they always get the highest figure of 3s. a quarter. The Commissioners are empowered to give them 12s. or 10s. according to the progress of the children. The girls have always passed very satisfactorily, and the nuns have always been entitled to 12s. a year ever since the increase in the agitation grant. In addition to that they get results fees. Between the results fees and the agitation grant the amount of money paid for this convent school is close upon £500 a year. In addition to that, as you are aware, there may be special subjects for which special results fees are granted. For instance we are teaching Irish there at present, and for the children that pass in Irish the teachers are paid 10s. per pass for that child. Well, over and above that, the mistresses are also entitled; a certain number of mistresses are paid from 25 to £10 a year, and I calculate that that is all money coming in for the benefit of the education of the girls of the town, and it is considerably over £800 a year.

5556. How much over £500 a year does that money come to?—I could not say exactly, but we often have about twelve mistresses there and get paid for that; it is over £505 a year—perhaps another £100.

5557. Is this an Irish speaking district?—Very much so.

5558. Do the children taught in the school use the vernacular?—Yes, but the children are very much from the town. The children inhabiting the country places might find it of more use.

5559. What then do you teach them Irish for?—We learn it for the love of the old tongue.

5560. And not for any particular use?—For no particular purpose.

5561. (To Rev. Brother Harold).—How many paid mistresses have you in the Christian Brothers' school?

Witness.—Seven.

5562. How do you pay them?—We paid some, heretofore, 5s.—at present not so much.

5563. Are they former pupils?—Yes, all.

5564. Still confirming their own education—more like monitors?—More like monitors.

5565. If you had any additional money, such as the National Board would give you, what is the matter for which you want the money most?—We would find various uses for it. For instance, our income is a very limited one. We have to work exceedingly hard—every Brother—seeing, as you see by the number that we have on our roll and in attendance, every Brother has to do double work. We could increase our staff considerably, and by that means we would be able to do work with more ease to ourselves. The monitors would be paid also, and then of course the scale of remuneration would be more lucrative, and the boys would remain a longer time in school, and consequently could become more efficient and be made more useful.

5566. Have you put your school in connection with the Science and Art Department for any of the subjects for which they give help?—Not here.

5567. But you have in other places?—Yes.

5568. Why have you not tried it here?—It is not long since we have tried it at all. Our schools are not in connection at present, but they will in a short time.

5569. With the Intermediate Examinations and the South Kensington one, you would then require a larger staff?—I think we would. The examinations are nearly the same, but it would require a greater preparation for both examinations, Intermediate and South Kensington.

5570. It would appear that there is a great deal of money to be got from that Department if you only work?—If they worked for the Intermediate educa-

tion, they would find it hard to do so much for South Kensington. If they confined themselves to Intermediate education, they would have still a great deal to do, and it would give them ample occupation.

5571. Professor Donnelly.—Do you teach drawing in your school?—Yes. We took the medal two years in succession from all Ireland.

5572. How many boys learn drawing?—In some cases we have the whole room learning.

5573. Do you make any attempt to give any industrial education?—No.

5574. You don't think it is desirable to combine industrial education with elementary instruction?—I don't see how you could combine it in a school where the children leave at the age of sixteen or seventeen, and many at fourteen. I don't see how you could under these circumstances combine them. If you do you will destroy their education.

5575. Dr. TRAILL.—What age do they leave at?—Some remain up to sixteen and seventeen, but most of them leave at fourteen—the greater number—some even younger.

5576. Rev. Dr. MONAGHAN (to Rev. Canon Kellier).—With regard to the Convent School, the nuns there take the grant of the National Board and comply with the rules of the Board?—Yes.

5577. I believe they find themselves practically compelled to do so. They do not regard the system as perfectly satisfactory?—Certainly not.

5578. They have in fact the same kind of objection to the rules of the National Board as the Christian Brothers have?—Yes, for the same reason. Of course they had to take it originally because they were driven to do so, and we tolerate the present system, not because we approve of it, but because we have to submit to it, and I can quite understand the feelings of Mr. Harold that as the schools were established to give—on quite denominational principles—to give a purely Catholic education, it would be an extreme grievance to do away with the religious emblems. It would be an act, as has been stated to your Commission elsewhere, almost amounting to apostasy.

5579. Dr. TRAILL.—Is it not a conscientious objection or the nuns would not accept it?—It is quite a different thing to accept a system and to merely tolerate it.

5580. But you cannot bridge over the consequences?—Quite so. But I say the serious inconvenience resulting from a total change in the aspect of a school that has been established for forty or fifty years, would be a serious matter for want of a stronger expression. And that opinion I hold very strongly—that I would be very sorry to ask the Christian Brothers who have held out so long against the system of the National Board, to surrender in any way that would be an humiliation to them.

5581. Lord Justice Fitzgerald.—I believe if you did ask them they would not do it for you?—I believe they would not, and I think they would be perfectly right.

Mr. Power.—With regard to the denominational character of the endowed school, the first appointment we can trace is in 1639, and that was a Protestant clergyman.

5582. Are you aware whether it was possible to appoint anyone else at that date?—I could not say.

5583. Rev. Dr. MONAGHAN.—In those good old times no Roman Catholic schoolmaster was allowed to exist in the country?—Yes.

5584. They had to hide!

Rev. Canon Kellier.—Besides you will find that the present endowment dates from 1642.

Mr. Power.—The will does, but the school was founded before that. The will of Lord Cork was dated 1643.

5585. Rev. Dr. MONAGHAN.—I think we may take it that in the early period of the endowment all the masters appointed were Protestants?

Mr. Power.—And so they have been since—and the majority of them clergymen.

Oct. 28, 1867.

Rev. Brother Harold.

Oct. 22, 1845.  
Rev. Father  
Harold.

5536. Rev. Dr. MOLLAY.—Has anyone ever been appointed except a Protestant?

Mr. Power.—No, not that I am aware of, but I could not swear to that; but I don't think there was. A Presbyterian has been appointed.

5537. Rev. Presbyterian.—Does it belong to Protestants?

—Yes.

5538. Professor DOUGHERTY.—When you said just now that a Presbyterian had been appointed you meant at Lismore, I think?—Yes. If any scheme could be formulated for an efficient inspection of the school by which such could take place, I am sure the Duke of Devonshire would regard it very favourably.

5539. Rev. Dr. MOLLAY.—When we draw up a scheme we are bound by the Act of Parliament to provide for inspection?—Yes.

5540. But without the consent of the Duke of Devonshire we cannot interfere with the appointment of the local master.

5541. Rev. Canon KELLER (to Mr. Power).—Do you think that the Duke would have any objection to reconsider the whole matter with a view to throwing open this endowment, as far as it may be available, for the whole population?—It is so very small—it is too small.

5542. But if the ingenuity of the Royal Commissioners could suggest a scheme something bordering upon what we were throwing out suggestions of—by which this endowment could be made available for the Catholic population, do you think he would have any objection to carry out their views?—I cannot say, but if the endowment was divided as you say it would be so very small that I don't think it would be of any practical good.

5543. Or to divide it proportionately between the

schools without reference to results examinations?—As a matter of fact £30 was the original endowment, and the Duke increased it to £40.

5544. If the property was sold something could be added to the endowment?—It would realize very little in the present state of affairs. The house is a very old one.

5545. Except as a curiosity I don't think anyone would give very much for it—I don't think so.

5546. Lord Justice FITZGERALD.—What land is this endowment charged upon?

Mr. Power.—It is not charged upon any particular land.

5547. It is charged on the whole estate of the Earl of Cork?—Yes.

5548. Rev. Dr. MOLLAY.—You speak of the endowment as being too small to give Catholics a share of it; but at present you give them nothing which is much smaller?—Quite so. Of course £30 in these times would be £150 now.

5549. Lord Justice FITZGERALD.—I believe the Duke, as a matter of fact, does give a subscription to every National School on his property?—Yes.

5550. And it is in consequence of the Yeoghil property being no longer his that he has withdrawn this grant to the National school here?—Yes.

5551. How many fishing licenses for boats are there on the river of Yeoghil—how far does the fishery extend?—It goes up about ten miles above Yeoghil. There are about fifty draft men.

5552. And what is the amount of the license?—£10 below the bridge, and £8 above. The expenses of watching the river are enormous, and the returns from the fishery are by no means very large.

# YEOGHIL ENDOWED SCHOOL.—(continued).

Dr. Charles Kenney, J.P. (statement).

Dr. Charles  
Kenney, J.P.

5553. Rev. Dr. MOLLAY.—Can you give me any suggestion as regards the £30—how that may be utilized better than it is?—As to the utilisation of £30 for the purposes of classical teaching and higher education, any suggestion would be futile, it could do no good. But I would have some hopes that if your honorable Commission represented to the Duke of Devonshire the original intentions of this grant by the Earl of Cork, and the increased value of the property out of which the grant was originally made, the increased revenue the present Duke derived out of it—for he sold it for £75,000.

5554. What property do you speak of?—The more town property of Yeoghil. I am sure he would take your views into his consideration, and perhaps increase the grant to such an extent that it would enable us to have an equal participation in its benefits.

5555. Lord Justice FITZGERALD.—Who bought the property?—David Leopold Lewis.

5556. And are his representatives the owners now?—He became bankrupt and his representatives and the people purchased their own parts of the property, the townspeople purchased their own houses, and Canon Keller's predecessors purchased a portion of the property.

5557. Why could they not subscribe if they are freshblood?—I am sure they would if the Duke didn't increase his grant, it is miserable. At the time it was made money was three or four times less valuable than now.

Rev. Canon KELLER.—Perhaps I might remind you of how much the Catholics do subscribe.

5558. Rev. Dr. MOLLAY.—I understand they pay over £200 a year by subscription?

Canon KELLER.—Yes, collections on Sunday at church for the schools.

Dr. Kenney.—I have myself a very great interest in the promotion of classical education here, and having little boys to be reared, I do not like to be sending them to distant colleges. I am sending them

at present to the Endowed School, where I was educated. I may tell you that I was educated at this Endowed School, myself, and I am very sorry to have to remark the utter decay of classical education in Yeoghil since my time. When I was being educated there was another large classical school in Yeoghil, and there were several classical scholars, fifty-four at the endowed school where I was educated. There are now only fifteen scholars, I believe, in it, and there are at present many more wanting classical teaching. There are four Protestant boys and three or four Catholic boys are in college away from home for the want of a proper classical school in Yeoghil. These boys would be at home in Yeoghil if there was a proper classical school there.

5559. What was that classical school to which you have referred?—Mr. Parry's. He has since become a clergyman in London. I don't know whether it is the city or not—the Rev. Mr. Parry. There are at least I could count at least six or eight other boys within the immediate neighbourhood of Yeoghil who would be going to a classical school if there was such one, but who are obliged to be sent in all directions about the country to colleges at a distance. You would therefore have fifteen or sixteen boys at present living here who are away from their parents at inconvenient and expense in consequence of the want of a proper classical school in the town of Yeoghil.

5560. Why don't they go to this school?—They don't consider it in a position at present to give sound and thorough classical teaching. There are at present fifteen or sixteen boys, half of them in the town, and I could name the other half in the immediate neighbourhood, being educated away from home for the reason I have described.

5561. If there were fifteen or sixteen boys more added to the school, worked by the present master, it would be an admirable school. He is a distinguished

scholar himself?—Yes, I have no fault to find with Mr. Porteus.

5532. The difficulty that Mr. Porteus has to contend with is that he has no assistance?—If I had any fault to find with Mr. Porteus I would not have sent my own boys to him; but I do find fault, as an old Youghal man, and having been trained there and educated there, and one who is sending his own boys to be trained at it still, what I do find fault with is the utter decay that has been allowed to go on. I attribute that decay to the want of providing a proper master from time to time, a first class master such as Mr. Paisley, who was my master, and who was a scholar and a double gold medalist of Trinity College. He had an usher under him, as I believe by the Earl of Cork's will he should have. In his will it is provided that the master should receive £30 and the usher £10. Since Mr. Paisley's appointment there has been no interest taken to provide a proper master.

5533. On the principle that there is no one to do man's business so well as himself—do you think we could form in Youghal any local committee who would look after the matter, and, subject to the approval of the Duke of Devonshire, have the selection of the master?—Yes. I may say that was very nearly now the view I formed of suggesting to you a scheme. A scheme would of course go before you, and I would wish to slide by Canon Keller's scheme, because anything he would do is best. I have my own views of classical education, and perhaps they occur with Canon Keller's. I don't think the Christian Brothers are in a position to take up classical education, and I think your suggestion is what I was going to urge—that a committee, consisting of the Parish Priest, the Rector, and the Chairman of the Town Commissioners, the Chairman of the Poor Law Guardians, and one or two gentlemen selected by them—that that committee would have the management of this school. That is the scheme I would suggest—it is that that committee should have the management of this school, and also the selection of such a master as would meet with the approval of the Duke.

5534. But would the Roman Catholic Priest and the Roman Catholic people join with their Protestant brethren in such an attempt?

Rev. Canon Keller.—I must say cordially here, I am quite sure they would not. Although in other respects our relations are most amicable, so far as mixed education goes we could not unite on such a subject.

Rev. Dr. Jones.—I don't think the thing would work at all.

5535. Rev. Dr. Mollor (to Dr. Remyne).—Do you contemplate that one master should teach everything to all the boys in that school?—No.

5536. The existing endowment even if increased by the Duke would not pay more than one master?—If it was increased to a fairly respectable sum, to a sum commensurate with the increasing revenue he desired—as compared with the revenue of the Earl of Cork in his day—if it was raised to £120 a year, and that there were forty boys attending at £8 or £10 a year, that would give a very respectable income for a head master, and one or two ushers.

5537. How do you make out £120?—When I was with Mr. Paisley there were fifty-four. There are fifteen at present only attending, and I think that in addition to that fifteen there are fifteen away that I am sure would go there if a proper classical education was given.

5538. Rev. Canon Keller.—What was the population in these days?—Perhaps about 6,500. It is 6,000 now.

5539. Rev. Dr. Mollor (to Dr. Remyne).—If, Dr. Remyne, the endowment is not increased how would you meet the difficulty. Your plan can only be carried out on the supposition that the grant is £120 a year?

—If the grant is to remain as it is the school will have to remain as it is—a decayed, impoverished school.

5540. Supposing a committee was appointed, what would you think of the committee being empowered to expend this endowment between two of the existing schools—the Christian Brothers and Mr. Jones's National school?—I would agree with that if they provided classical education.

5541. Dr. TRAILL.—Do you think the endowment is large enough to be able to do that with any benefit?—Hardly.

5542. If the difficulty of State aid were got over with regard to the Christian Brothers would not their school get £400 or £500 a year, and would not that be an accomplishment toward the requirements of the Roman Catholic population, and as far as that is concerned could not it be increased from Intermediate classes?—Well, I consider there are Catholics in Youghal who like myself, would like to have their children get a good sound classical education. It may be a foolish prejudice, but I would not care to have them mixing with the boys of the lanes and the byways and the alleys of Youghal.

5543. Lord Justice Fitzgerald.—You want to have a superior school?—Yes, what I saw here.

5544. You want to have a select school?—Yes.

5545. And you are of opinion that such a select school could be formed in which all the denominations would agree as to the management; unfortunately both the gentlemen who represent them, say they could not?—I wish to have some such school.

5546. Dr. TRAILL.—You never found any difficulty with regard to your religious faith when you were at the school yourself?—Oh, no. When I was going to school there, there was no religious teaching of any kind. It was simply a secular school with a very high-class education.

5547. I suppose you got your religious education at home?—On Saturday I went to church for catechism teaching, and I was taught in other respects at home. I looked upon it then as I now would wish to see the same, as a first class Intermediate classical school for boys, up to fifteen or sixteen—that age when you would send them to college.

5548. No one understands better than you do, Dr. Remyne, a highly intelligent educated gentleman, that the whole cry at present amongst all denominations is that in all departments of education religion should never be divorced from it?—And I think that that is our national cry.

Rev. Canon Keller.—We do not consider that religion is divorced from education in our National schools, because we have done our best to make those schools denominational. Against the letter of the law the spirit of the management has converted them into practically denominational schools.

5549. Rev. Dr. Mollor.—You mean like the convent school—practically a Catholic denominational school?

Rev. Canon Keller.—Yes, and Dr. Jones's is practically a denominational Protestant school; and we are satisfied to have them so.

5550. Rev. Dr. Mollor (to Rev. Dr. Jones).—And the people would be satisfied if your school was recognized as a Protestant and Father Keller's as a Catholic school?

Rev. Dr. Jones.—Certainly.

5551. Dr. TRAILL (to Dr. Remyne).—And for Intermediate education if the numbers are not sufficiently good it makes the thing impracticable?—Yes, in a small town like Youghal there would not be enough boys to learn classical, for the mercantile and professional classes, and the middle class of Youghal have not between them more than forty boys; Catholics and Protestant middle class have not between them more than forty boys, that would wish for a superior and classical education.

Rev. Dr. Jones.—Might I mention that at the period Dr. Remyne refers to, when there were very

Oct. 25, 1882.  
Dr. Charles  
Newman, &c.

large and flourishing schools were in Youghal one of which he attended, the Protestant population which alone largely contributed to those schools was over 1,800.

5582. And they are reduced now to 600!—At that time 1,800 included all denominations of Protestants. All denominations of Protestants now comprise about 650 odd—we were then over 1,800.

Dr. Newman.—There was a large Protestant population of respectable Protestant gentry who have since disappeared from the neighbourhood altogether.

5583. Dr. TRAILL.—During what period did that take place?—From 1855 to 1861.

5584. Where have they all gone to?

Rev. Dr. Jones.—They have all left the town.

5585. By emigration?

Rev. Dr. Jones.—They have died out a great many of them.

Dr. Newman.—I came here strongly impressed with the hope that some agitation from the Commission with the Duke would have great weight. And if you will allow me I would read from the records of the town the reasons why I would ask you to impress upon the Duke, or, at all events, I would ask you in the report of your Commission to make some such allusion to the Devonshire school here or to the Duke, in order to induce him to grant an increased amount, and let it be divided in any way that the rev. gentleman opposite me and the agent agree, equally between the Catholic and the Protestant interests, or let it be under a joint committee of Catholic and Protestant gentlemen, and the parish priest and the rector of the town. I am sure if the Duke did consider the circumstance of this grant he would increase it.

5586. Rev. Dr. McILROY.—Would it not be the business of the people of the town to address themselves to the Duke, and bring before him the wants of the town. We are not constituted for the purpose of getting new endowments, but of drawing up schemes for those that exist!—The endowment is here for you if we could have it increased.

5587. Then why not ask the Duke to increase it?

5588. Dr. TRAILL (to Dr. Newman).—You said you had some entry from the town books!—I was going to read one or two little extracts.

5589. If there is anything connected with the school in them we shall be glad to hear them!—Yes, they are connected with the school, and I would wish you to understand that, before this endowed school we are talking of, there was a school there for the higher education of the people of Youghal—what was called the College. The College of Youghal was there on that very ground; the very schoolhouse is built on portion of it, and Sir Walter Raleigh's house is built on portion of it, and the present Mrs. Allen's house was portion of the old College of Youghal.

5590. What became of that?—It was transferred to the Earl of Cork. That college was founded by what was called the good Earl of Desmond, in 1464, and that college was for the purpose of educating the people of Youghal in higher education. That had a very large establishment—eight fellows, a warden, professors, and very large classes—a class of at least 400 or 500. Well, now, that establishment fell into the hands of the Earl of Cork, with its belongings and the surroundings attached to it. Various parishes in the neighbourhood of Youghal, and various glebe-lands were attached to the college for the purposes of its support. The Earl of Cork got all that for £28. And I think it would be no harm, if this was understood, because I am afraid people generally think that the Earl of Cork has been very liberal, and that the Duke of Devonshire has been very liberal in granting to the people here—especially by granting an increase of £10 a year to the present stipend, and raising it from £50 to £60. The Rev. Dr. Jones got the £10 additional. There is an idea that the Earl of Cork has been very liberal, and the Duke of Devonshire in granting this increase; but if you remember that the Earl of Cork

by this procedure for £28 got up something like £600 or £500 Irish a year, the liberality will not be so apparent. I shall read from the records—the annals of the town—from, I believe, the only copy in existence, on this point. It is, I believe, the only perfect copy in existence. In 1464, date 27th of December—I just nearly went to draw your attention to the foundation and the existence of the college on the very ground we are talking of.

5591. It is called "The College" still!—Yes, the college is a house in itself—distinct. Sir Walter Raleigh's was the warden's house of that college, and the very ground upon which the present school is built was the very ground where the school of the college existed; so that this very school was built by the Earl of Cork on that ground. And I shall show you that an order that he should build that, made by the Lord Lieutenant, was dated the 27th December, 1464. It was the foundation of the College of Youghal by this nobleman—the 8th Earl of Desmond—and, as I have said, the community consisted of a warden, eight fellows, and with a donation of £500 a year at that date, a very considerable sum in those days. The house or college was endowed with certain manse and vicarages for the purposes of its support. It had eight fellows, a warden, twelve professors, and a large number of pupils. You will hardly believe it, that for £28 this clever gentleman that came over here with his silver hose and slashed doublet—as he calls himself, arriving in Dublin with a few pounds in his pocket—for £28 managed to acquire this college.

5592. To whom did he pay this £28!—He paid the £28 to a Mr. Jones, who derived it from his own uncle—from the Earl of Cork's own uncle—Dr. Boyle, the Bishop of Cork. He was made Bishop by the Earl of Cork. Well, he was warden of the college, and as warden sold it—

5593. How much was the income!—About £600 a year at that date.

5594. Why didn't Mr. Jones keep that!—Mr. Jones was one of the personal entourage of the Earl. All I can tell you is that Dr. Boyle, the Bishop of Cork, as warden, transferred the college to Mr. Jones, and Mr. Jones sold it to the Earl of Cork for £28.

5595. At what date!—The date of that transfer was, I think, 1613. Sir Walter Raleigh transferred it to the Earl of Cork for £1,500. Sir Walter Raleigh, on the establishment of the last Earl of Desmond, acquired half of the great man's estate, nearly the whole of the County of Cork, the County of Waterford, and the County of Kerry, and he transferred all this for £1,500.

5596. Which entire sum Sir Walter never got!—He only got £500. The very year he left Youghal his last West Indian expedition he sailed out of Youghal. We have a strong suspicion that the Earl of Cork supplied him with the last peck which was part payment of the £1,500. Now, what I would draw your attention to is this—this is very remarkable—I wish to draw your attention to the fact that the Earl of Cork, who so generously, so generously, and so liberally, according to existing estimates, founded this endowed school, and who out of his own private purse gave a £50 a year to the master and usher to educate the poor of Youghal—I want to show you under what circumstances he had to pay that. After the Earl of Cork was in possession of these vast estates of Sir Walter Raleigh, and the college that belonged to the people of Youghal, that was founded by the 8th Earl of Desmond for the education of the people of Youghal. There were some grants, and various endowments for the benefit and education of the people of Youghal. Well, after the Earl of Cork had acquired this college for £28, and had secured the estates of Sir Walter Raleigh for £1,500, there was a strong suspicion that the Earl of Cork was not duly carrying out the various bequests that were for the people of the town—the poor people of the town. A complaint was lodged before the Lord

Deputy that the Earl of Cork had failed to properly provide for the education of the people of Youghal, and to provide for the support of the poor of Youghal as he was bound to, under the estates he had acquired, by the attainted Earl of Desmond.

5597. Dr. TAYLOR.—To whom was the complaint made?—Lord Wentworth, the Lord Lieutenant of the day. On that complaint this followed, and I quote from the municipal records of Youghal, in 1434:—

"Lord Wentworth, the Lord Deputy of Ireland, hath named the Earl of Cork, Governor of Youghal, to appear in the High Court of Castle Chamber, Dublin, where Sir William Norreys, Attorney-General, exhibited a very ancient Bill against him and the Bishops of Cork and Waterford, who were charged with assisting Lord Cork to gain and keep illegal possession of the College of Youghal and its revenues, the said Bill stated that the Earl had by misrepresentation, for £200, got possession of the college from one Jones, who held it from Sir Walter Raleigh, but the said Earl procured on his relation, the Bishop of Cork, to deliver up the Seal Charter and the other records of said college to him, which he still detains, and procured a third of the revenues from him of the said college and his large revenues, that not yet willing to directly take possession of three, he moved the said bishops to continue as vicars, and two or three persons as fellows, allowing them for some time a small salary to support them, but did not allow them to live in the college as entitled to, but used it himself as a dwelling house, the said Earl was also charged with preventing any new election when a vacancy occurred, so that by time he became invested with the patronage, revenues, wisdom, and sole right of the Fellows, that he discharged the ancient collector of the College rents, and obtained an assignment from Sir James Ffolliott of the premises for a small consideration, but who had only Letters Patent granted him to pasture common lands. That Michael, Lord Bishop of Lismore, although he undertook to make no compromise with the said Earl in this matter, yet, in a meeting with the Bishop of Cork concerted to make up the matter with said Earl about said College, on consideration of said Earl paying forty marks to the warden and £200 annually to the Fellows, and that soon after the Earl procured a grant of the College by Patent, by all of which methods he still continues in possession of its revenues to the value of £200 a year, besides the stipends and salaries of the churches. The Attorney-General prayed that the Earl's Patent may be annulled by the King's prerogative, and that certain persons must be indicted upon the Earl and the said Bishops of Cork and Waterford. The Earl pleaded that he had a fair answer to the Attorney-General's Bill, he denied turning out the Fellows, he acknowledged having lived in the College, he denied having refused to restore the seal and deeds, except once, he admitted having come to an agreement with the warden and Fellows about said College, that he had divided their stipends and procured a grant by Letters Patent of possession of said College from the King in his and his heirs for ever, that he had repaid the church. The Lord Deputy, Lord Wentworth, then bid it conveyed to the Earl of Cork, that he had better leave the settlement of the matter to his own judgment, or that he would fine him £20,000, have his Palace confiscated, and deprive him of his office of Lord High Treasurer of Ireland. My Lord Cork submitted to abide by the Lord Deputy's arbitration, who awarded him to pay a fine of £25,000 to the King, for the losses and profits which he had enjoyed quietly for over thirty years. He also sold the stipends and patronage of the churches into the hands of the Crown, leaving the Earl only the college residence with the desamsoned lands at Youghal. The Earl undertook to found a school at Youghal, to settle £20 a year on its master and £10 a year for usher, also to found an almshouse, and to give £5 a year to every scholar, these to be annual charges."

It is a very strong thing the case against him. It was heard in the Chamber at Dublin Castle, and Lord Wentworth was satisfied of the charges against the Earl of Cork that they were proved, and that he hadn't provided for the education of the people of Youghal, nor for the poor of Youghal, according to

the wishes of the Earls of Desmond, whose lands he held. Lord Wentworth suggested a compromise to provide in some way for the defaults he had made, and to provide for "defaults to the honor of his lordship the King," and the sagacious Earl of Cork, who thought it well to accept the suggestion of My Lord Deputy Wentworth, made the following arrangement for the education of the people of Youghal, and for the maintenance of the poor of Youghal and to satisfy the honor of his lordship the King, he sent to the King £30,000, and he settled £20 a year to provide for the education of the people of Youghal—he settled £50 on the master and £10 on the usher—and he also established almshouses—according to the Deputy's suggestion, and gave £5 to every almsman, and £5 for the repairs of the Manor house for their recreation—these being annual charges which he promised to make by his last will—charged by him on his heirs for ever. I think I have satisfied you that in the payment of £30,000 to his honor the King, and £5 a year to half a dozen poor men—£10 a year to the usher, and £20 to the master—I don't think the Earl of Cork discharged his liabilities to the poor and the youth of Youghal.

5598. Have you the date of the origin of the college of Youghal?—1464, by Thomas, 8th Earl of Desmond.

5599. I suppose Roman Catholics attended it?—At that time the only people known in Youghal were Catholics. In 1464 there was no Reformation. The college was founded by Thomas, 8th Earl of Desmond, and continued by a Bull of the Pope.

5600. According to this history the present endowment really represents the original endowment?—Yes. The present endowment represents, handed down unbrokenly, the £2000 a year made by Thomas, 8th Earl of Desmond, for the higher education. It was higher education, because there was also lower education provided for the people of Youghal by the Franciscan Order, and it was also at that time concurrently going on provided by the same Desmonds in the Franciscan Priory or South Aisle, as it was called in 1330. Monks of the Franciscan Order founded the Franciscan Abbey and applied their means to the teaching of the poor of Youghal.

5601. What has become of that?—That abbey was swallowed up.

5602. Professor DOUGHERTY.—When you spoke of the intentions of the founder, were you referring to Thomas, 8th Earl of Desmond, as the founder?—Yes.

5603. You don't regard him as the founder of the endowment with which we are dealing?—I do, because I say that suggestion given by Lord Wentworth, the Lord Lieutenant, to the Earl of Cork, to provide for, as he was bound to provide for, according to the Desmond grant, to provide for the education of the poor of Youghal; I say he did so by founding it on that college, and that instead of the £500 a year he only gave up £30, in other words. I would have the greatest hopes, if the Duke of Devonshire had this matter laid before him, if he knew the liabilities that rested on his vast possessions to provide for—I don't say for the poor, for we do that ourselves. We Catholics provide for our poor, but for education, if he granted some increase of the original grant—if his Grace would graciously grant as that—then we would have a good classical school in Youghal for all denominations, and that the Protestants and Catholics would join, as I would hope they would, in a united committee.

Oct 18, 1837.  
Dr. Charles  
Boagrove, J.P.

Oct. 24, 1897.

## PUBLIC SITTING—MONDAY, OCTOBER 24, 1897.

At the Courthouse, Fermoy.

Present:—The Right Hon. Lord Justice FITZGERSON, and the Right Hon. Lord Justice NAIRN, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., D.Sc., ANTHONY TRAILL, Esq., LL.D., M.D., F.R.C.D., and Professor DODGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, junr., was in attendance.

## ST. COLMAN'S COLLEGE, FERMOY.

The Rev. William Hutch, M.A., sworn, was examined.

Rev. William  
Hutch, M.A.

5004. Lord Justice FITZGERSON.—When was St. Colman's College founded?—It was founded in 1858. The buildings were then commenced by the Rev. Dr. Murphy, the bishop; they were completed about two years ago, in 1865.

5005. What amount of land is attached to the college?—About 2½ acres.

5006. I see you are subject to a rent of £551.—Yes, that is the ground-rent for the college, that is for the entire portion within the boundary wall. There were at one time a number of houses and small tenements on the ground, and these were purchased up.

5007. Have you a lease of the ground?—I believe we have no lease for the entire ground within the boundary walls. There are seven or eight leases for the small portion of land included within the boundary walls. That I mention in order to give the Commission an idea of how the premises were originally purchased. The houses that were on the plot were bought up and demolished.

5008. How much money was expended in purchasing up the site and in building?—I have no data to give for the exact sum, but I should put the cost at £20,000 or thereabouts.

5009. I believe the money for the building was partly collected throughout the diocese and partly drawn from funds at the Bishop's disposal?—There were collections, and also a tax upon the priests.

5010. Was all the money available expended on the building?—I could not say of my own knowledge, but I am perfectly sure it was.

5011. You have no invested funds then?—We have nothing invested except a sum of £1,050 invested in Great Southern and Western Railway shares; but that money was the amount of several small bequests. It is not an endowment.

5012. Lord Justice NAIRN.—Was the money given specially for the college?—Yes, it was given for the college, but it is absolutely at the disposal of the bishop, and he could withdraw it to-morrow if he were so disposed.

5013. Rev. Dr. MOLLOY.—You say the bishop could withdraw the money, then it is his property?—There is no obligation to leave it with the college if the trustees think fit to withdraw it.

5014. Lord Justice FITZGERSON.—How many trustees are there?—There are seven, including the bishop. The trustees are the parish priest of Mallow, the parish priest of Miltelstown, the parish priest of Kamlurk, the parish priest of Macroom, the parish priest of Ballymacoda or Lady's-bridge, and the parish priest of Miltelton. That is, five vicars and one who is not a vicar—the parish priest of Lady's-bridge or Ballymacoda.

5015. Do you get a new deed executed when there is a change of trustees?—Yes.

5016. The trustees for the building and the funds are not the same?—No, I myself am a trustee for the funds but not for the building.

5017. All the trustees are exclusively of one deno-

mination?—All the trustees are Roman Catholics. The institution is Roman Catholic. It is a Diocesan College, but not in the strict sense of the Catholic Church.

5018. Have you no course of theology in the college?—No, although many of the students are aspirants for the priesthood, they merely read their preliminary course for entrance to a theological college. They read their classics, mathematics, English, and any modern languages which they may choose to take up.

5019. Do they read any mental philosophy?—No, there is no mental philosophy taught, but natural philosophy is one of the subjects taught.

5020. What is the teaching staff of the College?—The teaching staff consists of four lay professors, and three clerical professors. I do not count myself in the teaching staff because my other duties do not allow me to do so.

5021. How are the teaching staff paid?—The clerical professors receive their board and lodgings, and a salary of £50 a year.

5022. Is that provided out of the fees?—Yes. The lay professors reside out, and they have salaries averaging about £100.

5023. What subjects do they teach?—One of them teaches classics, and two others are confined to mathematics; another of them teaches classics and a little mathematics; one is exclusively for mathematics.

5024. Rev. Dr. MOLLOY.—What does Mr. Byrne teach?—Mr. Byrne is rather a grinder for boys, where we want them specially prepared for a matriculation or similar examinations. He does work of that class, making up boys for special examinations. Mr. Keating and Mr. Mulohy teach mathematics, and so does Mr. O'Reilly.

5025. Does Mr. Mulohy teach mathematics exclusively?—He teaches mathematics and natural philosophy. He is a Bachelor of Engineering of the Royal University.

5026. Lord Justice FITZGERSON.—What number of pupils attend the college?—There are ninety-two boarders, and eighteen day boys, 110 altogether.

5027. I find in 1880 the number put down as 140 on the roll, of whom 115 were boarders. Has there been much fluctuation in your numbers?—For the last two years our numbers have fallen a little, but our average has been from 90 to 100 boarders. For the two years before that, however, our average was from 100 to 115.

5028. Your course is the Intermediate course, in addition have you any special courses?—We prepare boys for the preliminary examination as scholars' apprentices, for the matriculation examinations of the Royal University and the College of Surgeons. In order to give you an idea of our course I shall read you a tabulated result of the examinations. For the Intermediate we make all our boys go in. For the last six years there were obtained by the pupils of the school 36 exhibitions of a money value of £1,775, with 14 first class prizes, 14 second class prizes, and

25 third class prizes, making 53 prizes in books. There were also 3 medals won for special excellence in modern languages; two ten pound money prizes for special excellence in modern languages and English. The whole of our prizes of all kinds within the six years were 79, including medals, prizes, exhibitions, and all other distinctions.

5629. Rev. Dr. MOLLAY.—Can you tell us the money value of all these prizes?—Well, no. I have sent all my clients a Christmas card, and in that Christmas card all the results of the five years' prizes are set down.

5630. Dr. TRAILL.—What is the money value of the total of these prizes?—The total money of our exhibitions is £1,775; that is the value of the thirty-eight exhibitions. The money value of our book prizes is £95. Then we had £20 special money prizes for English and modern languages. Then we got last year prizes for special excellence in Greek, French, and Italian.

5631. Rev. Dr. MOLLAY.—What is the amount received for results free within the same period?—It is on an average something like £140 a year. This year we expect £100.

5632. The average amount which your pupils gained was £339 a year?—Yes.

5633. And the average amount paid to the teaching staff of the institution in result fees was only £140?—Yes.

5634. Lord Justice FRANKLIN.—From an educational point of view do you think the money is wisely distributed, so much to the pupils and so little for results?—I believe it is a wise thing to give the pupils a good portion of the money, because we find that there are many boys who could not educate themselves without the money. I have boys who do not cost their parents anything.

5635. They utilize the money to defray the expenses of their education?—Yes.

5636. The teachers then indirectly get a portion of the money back for the education of the pupils?—Yes, they do.

5637. Do you think that a wise plan?—I think every help ought to be given to the boys. There are clever boys who are utterly unable to avail themselves of the means of education without help of this kind. We are, I may say, giving money prizes of our own at the College during the year. They are small money prizes to help them on.

5638. What fees do you charge?—Thirty-three guineas a year for boarders even fourteen, for those under fourteen we charge thirty guineas. We make a reduction in the case of brothers.

5639. What are your fees for day boys?—For day boys our terms, inclusive of books and all other things, are £7 1s.

5640. Are all your boys paying pupils?—They are all paying except one, and that one is paying too, because he gets money prizes of our own. In a certain sense he is a paying pupil; but all the others are paying down cash.

5641. To what class do your pupils belong?—They belong to different classes; some of them are the children of professional men; the greater portion are the children of farmers.

5642. From what district of the county do they come?—There are twenty-five boys from the city and county of Cork, the rest come from every county in Munster.

5643. Dr. TRAILL.—What is the nearest school that competes with you?—Rockwell College I believe is the nearest.

5644. Does St. Finbar's at Cork compete with you?—St. Finbar's is a day school.

5645. Lord Justice FRANKLIN.—Is there no school at Mount Mellery?—Yes, but the pupils do not go in for the Intermediate. The boys who go there are mostly aspiring to be priests. The bulk of them are preparing for the priesthood.

5646. Lord Justice FRANKLIN.—Who has the management of this college?—The management is entirely in my hands.

5647. Do you select the staff?—Well, so far as the clerical staff is concerned, the bishop has the nominal appointment, but he always gets me to select them. I have the appointment of the lay professors, but I always let the bishop know whom I am getting.

5648. Rev. Dr. MOLLAY.—I believe you have some burses to pupils at your school?—Well, you cannot call them burses. I hold a competitive examination, at which I offer three places at the beginning of every year to the best boys who present themselves.

5649. Are there funds available for these?—No, I have no funds; I allot them out of the saving of the fees. You cannot strictly call them burses. They are half free places.

5650. Lord Justice FRANKLIN.—In point of fact they are half free education?—Yes, but then that is not what I was asked.

5651. Dr. TRAILL.—Are day boys in the school when they compete for these places?—It is before they enter the school. I issue a programme, and the boys come and compete. We don't know where the boys are, and the best boys win.

5652. Do you look to the condition of their parents?—No; we go in for bursas. We don't mind anything else but brains; but we look to character.

5653. Lord Justice FRANKLIN.—Does that apply to day boys?—No; to boarders exclusively. Day boys are an idle set.

5654. Dr. TRAILL.—Your experience is that a mixture of day boys and boarders does not succeed?—It would be better if they were kept separate.

5655. Lord Justice FRANKLIN.—You find you have not the same control over them that you have over the boarders?—We have no control over the day boys after class hours, and they do not study.

5656. Lord Justice FRANKLIN.—Have you ever tried to get them up after school was over?—I would not have that mixture at all. There is a priest with the boarders whilst they are in the study-hall.

5657. Lord Justice FRANKLIN.—At present you are self-supporting, but I suppose you find the struggle rather severe?—It is a tight struggle, and we depend so much upon the fluctuations of the tides. We would not have so good a school but for our success at the Intermediate Examinations.

5658. Lord Justice FRANKLIN.—Suppose there was an endowment available for you, what do you think would be the best way of applying it?—I think for a large portion of it, the best way to apply it would be in free burses.

5659. Do you consider the application of funds for free places of general utility?—I have noticed in reading the reports that there are a great many small endowments scattered through the country, endowments of from £50 to £40; and I am of opinion that these endowments in connection with small intermediate schools do more harm than good. Where you have only a small number of boys, you lack the mental activity which exists in a school where there is a large number of boys together. Boys coming into contact with one another educate each other quite as much as their masters do. They discuss various subjects, and help one another in a thousand ways. In the second place, these boys in small schools lack the stimulus of the keen competition which exists among the boys in a large school. Then again, for an endowment of £30 or £40 I do not see how you can get a competent man to teach the course of an Intermediate school. If you have only one master he must be able to teach English, classics, mathematics, and one modern language, and no man who is capable of doing that will go to a school for the starvation salary of £40 a year. I find that at Charterhouse there is an endowment of £36, and at Youghal there is one of £20; these, I believe, were

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left free, they do not belong to any denomination. I think that a much better utilisation of these funds than the present one would be if they were thrown open to the competition of boys from Charleville and Youghal, who could compete for them here. I would do it in this way—I would issue an advertisement saying that there would be an examination for a prize of £30, open to boys, say, from Youghal; let all the boys coming from that district compete, and let the best boy get it. I find that at Kilworth there is a small endowment of 15 guineas, by means of this endowment help could be given to two pupils. I think my proposal is a very modest one. If this money were given as free burses in the college at Fermoy, it would be a much better use of the funds. In these wretched little schools you cannot get a competent master, and if you do obtain one, his heart will be broken trying to work up a good school.

5656. Dr. TRAILL.—The endowment at Youghal has always been paid to a Protestant master!—Yes, I believe so.

5657. How far is it to Kilworth from Fermoy?—About three miles.

5658. How is the endowment there applied?—I do not know what has become of the money; we have day pupils at the college from that district.

5659. Rev. Dr. MOLLAY.—Would the people of these localities be satisfied if the funds were applied in the way you suggest?—Of course everyone looks to himself. I believe the people do not know anything about many of these endowments. I believe they would be delighted if the money were applied in this way. Of course it is a matter for the Commission to say whether the money is more judiciously expended in Youghal and elsewhere than supplementing a school already established.

5660. Dr. TRAILL.—Canon Keller said he would be satisfied to leave the Youghal endowment to the Protestants if by any means the Christian Brothers could bring themselves under the Board of National Education!—That may be Canon Keller's view of the matter.

5661. Lord Justice FRYGIMAN.—What is the provision in Fermoy for primary education?—Well I can scarcely say. I think it is quite enough for me to contrive myself to my own business.

5662. Rev. Dr. MOLLAY.—Do you think such towns as Youghal and Middleton are sufficiently large to support a good classical school for Catholics?—Yes, and as you mention the word "classical school," I may say in these places when the people talk of classical schools they think of the system that was in vogue many years ago, when there was nothing but hedge schools. When I was a little fellow I was at one of these schools, and was taught some Latin and Greek, but left absolutely ignorant of English, mathematics, and everything else. My education was positively ruined. The boys at these hedge schools were taught a certain amount of Greek and Latin and left absolutely ignorant of everything else.

5663. Dr. TRAILL.—Is there a school of that sort existing in the neighbourhood now?—I have got two pupils who came from such a school in Kentuck. These boys had been reading Greek and Latin. They could repeat some of the passages, but they did not know the five declensions in the Latin grammar, and had no idea of the stem formation or the case endings. They knew no English, Algebra or Euclid, and could not spell ten words correctly.

5664. What age were those two boys you have mentioned?—They were fourteen.

5665. You don't regard with favour that kind of a school?—I look upon the establishment of that class of school as a curse.

5666. Do you think that under the present Intermediate scheme these boys could not be pushed forward?—These boys do not go in for the Intermediate examinations. The school is started for the purpose of making things cheap. The people find a

man who is a self-taught man, and he starts a sort of a hedge school.

5670. Rev. Dr. MOLLAY.—The people are probably attracted by the title of "classical school"!—Yes, and the pupils are taught in such a way that doubts they have learned have to be unlearned when they come to a proper school.

5671. You have said that you were mistaken when a boy at one of these schools. Do you share in the general opinion which seems to prevail that examining was unknown until the Intermediate system was established?—I find that the people who are attacking the Intermediate system are those who have not succeeded at it themselves. I know one school, the head-master of which was giving instructions the first year the Intermediate started to all his fellow head-masters throughout Ireland as to how they were to conduct their schools so as to get exhibitions. He said to himself for two years and failed. He did not get a single thing, and he gave it up, and is now I believe writing translations of Greek and Latin text-books. I find that to succeed at the Intermediate examining will not do. You cannot cram a boy in advanced Greek or Latin composition. At the examination you get a piece of Macaulay or Froese to turn into Greek prose, or perhaps a piece of Langens for Latin prose composition. How can you cram a boy for that?

5672. Dr. TRAILL.—But do many of these succeed in doing that, in writing Greek and Latin prose?—Yes, certainly. We have a boy who took a prize in Latin prose, and the same boy got second place in the list out of all Ireland. I will tell you what you can cram—you can cram the Junior grade composition. The Junior grade composition is not up to the mark. The grammar is, I think, difficult enough; but in the composition they have eighteen examination stock ideas that they give out every year. You can cram these, but you cannot cram the compositions in the middle or senior grades. The history too is crammed.

Dr. TRAILL.—History is crammed all the world over.

5673. Lord Justice FRYGIMAN.—Taking them all round, do you find the Intermediate examinations a test of real scholarship?—Well, a great deal depends upon what you mean by real scholarship. The Intermediate is no test of scholarship, in the strict sense of the word, up to the age of eighteen, but I believe the Intermediate course is an excellent foundation upon which to base real scholarship.

5674. Do you think the results of the Intermediate examinations a fair test of the work done by the schools?—Certainly I do.

5675. What has been the effect of the Intermediate on your working expenses?—It entails very heavy expense; much more expense than before. It scarcely pays even with our large number taking the result fees into account.

5676. In a smaller school there would be less expense?—I think so.

5677. Rev. Dr. MOLLAY.—Do you mean that the amount of money you get in result fees does not cover the expenses?—Taking all into account, the result fees do not cover the expenses. You see I have to get good professors, and if I have good men I must pay them a corresponding salary. It also entails a large expenditure for books. Now last year I expended over £10 for the best editions of the text-books I could get. I bought Whately's edition of Bacon's Essays, costing 10s., for two boys who were going in for the Intermediate. I buy the best editions I can get of every book for the clever boys in the class. I also buy books for the professors, which adds to the expense.

5678. Lord Justice FRYGIMAN.—Do you teach botany?—No, we do not go in for botany. We are badly in want of apparatus and a physical laboratory in order to teach such subjects.

5679. Are you in connection with South Kentington?—No; but we intend shortly to open a department of the College in connection with South Kentington.

too; we expect to go in for the examinations in connection with the Science and Art Department next May. But we are going in only in science, not in art or drawing.

5650. Why do you not teach drawing?—Well it is not easy to get a competent person to teach it.

5651. But is not drawing the foundation of all technical training?—Yes, but our boys do not go in for technical training, and teaching drawing would interfere with their Intermediate course. The education of our boys is almost purely literary.

5652. Dr. TRAILL.—Is not drawing one of the Intermediate Examination subjects?—Yes; but we do not send the boys in on that subject. It is difficult, as I have said, to get a competent teacher.

5653. Professor DOUGHERTY.—Do you think the Cork School of Art could provide teachers for this part of the country?—I don't think its influence extends beyond Cork. I do not see what perceptible influence it can exercise at Fermoy.

5654. Lord Justice FRYGEMAN.—What do your boys go in for?—They go in for professions. In fact, the great majority of our boys are intended for a professional career. I may mention that we send up a number of our boys every year for the Matriculation Examination of the Royal University. During the last six years sixty-nine of our students have matriculated. For the First Arts Examination we sent up two who passed. As a general rule, however, we do not prepare them for the Arts examinations. Most of these boys were aspirants for the priesthood. Five out of seven who matriculated this year were for medicine.

5655. Professor DOUGHERTY.—With which of the grades of the Intermediate Examinations would you compare the Matriculation Examination of the Royal University?—Well, you must distinguish between Honours and Pass. A Junior Grade Intermediate Examination ought to have no difficulty in passing the Matriculation Examination of the Royal University; and a Senior Grade Examination ought to be able to matriculate with Honours.

5656. Rev. Dr. MOLLOY.—You have told us that most of your pupils are prepared for a professional career. Have you considered what the result would be to the country from a multiplication of schools like yours; all the educated youth of Ireland would be brought up to a professional career?—Yes, the professions would become overstocked. A great many of my pupils go in for medicine, but I tell them that unless they are prepared to persevere and go into the Army or Navy it is better not to go in for the medicine. It is a very good profession for a boy if he can afterwards get into the Army or Navy, or if he goes out to the Colonies. But the profession is overstocked at home; there are more doctors than there are dispensaries for them. And I am afraid the solicitors' profession is also overstocked. We have three solicitors in the town of Fermoy who were educated at the College.

5657. Professor DOUGHERTY.—You have given us your view of what you call "hedge classical schools." I should like to know your opinion of those primary schools in which the masters prepare boys for the Intermediate Examinations?—I do not consider the masters of primary schools efficient or judicious teachers of classics. Most of them have learned their classics themselves, and I don't believe a man can teach what he has learned himself. When they teach these courses at the primary schools they have too many irons in the fire; I don't think they can be worked together. There are too few teachers in elementary schools to combine the primary, Intermediate, and University courses. I think thirty boys are about as many as one man can teach.

5658. Your opinion is then that if the primary teachers confine themselves to their proper work they will have quite enough to do?—Yes.

5659. Lord Justice FRYGEMAN.—Is there anything to prevent the Christian Brothers maintaining a sort of

primary school from which yours could be fed?—Nothing whatever. I may say that in this town there are boys going to the Christian Brothers' schools who could well afford to go to mine.

5660. Dr. TRAILL.—Then it is the cheapness of the Christian Brothers' schools that prevents those boys going on to you?—Yes, it is. The teaching at these schools is frequently too elementary to push the boys on.

5661. Lord Justice FRYGEMAN.—One of the proposals made to us about these small endowments was that some of these might be so arranged that the school at which the boys were educated might get the benefit of their result fees. For example, supposing a boy from Charleville came here, was educated here, and secured a certain number of distinctions at the Royal University examination, that the school that would get a portion of the endowment as result fees for him?—That would be a more paying thing for the school. I think it would be better to give the endowment to the school and then invite boys of a certain age in from the town of Charleville to compete for it.

5662. Lord Justice FRYGEMAN.—Where are the boys to be taught for that examination?—Taught at home.

5663. Ah, that is the difficulty?—Well, I do not see why boys in the sixth class at a National school might not compete for them. We find that many of the boys who come from the National schools are thoroughly well up in mathematics.

5664. Dr. TRAILL.—You would limit the examination to such subjects as are taught to the boys at National schools?—The course might be arranged to suit them.

5665. Lord Justice FRYGEMAN.—Any institution established for the exclusive use of a particular denomination and managed solely by members of that denomination is exempt from our Act, except with the written consent of the governing body of the institution. It is plain that St. Columba's College is not within our Act except with the written consent of the governing body. When that consent is given the only practical matter we can do would be to relieve you of the difficulty of making new deeds on the appointment of fresh trustees. We could incorporate those who now hold office and vest the property in them.

5666. Rev. Dr. MOLLOY.—Do you find that the papers of the Intermediate Examinations are unequally graduated?—Yes, I do.

5667. I find that a pupil of yours, in the Middle Grade Latin, takes only twelfth place with 587 marks out of 1,305, and another with 958 marks out of 1,340, in the Senior Grade Latin, gets second place?—Yes, but that boy in the senior grade was an exceptionally clever boy. We find that the papers are not fairly graduated in difficulty between the different grades; and in the same grade they are not properly graduated in difficulty in the same subjects in succeeding years. I find that the mathematical papers in the senior grade—(to Dr. TRAILL)—I am afraid that your trigonometry papers are too hard.

Dr. TRAILL.—I did not set the paper in trigonometry.

Fitness.—There are also complaints that the papers are often set in a costly way.

5668. Lord Justice FRYGEMAN.—Did you find that, in one year in the Junior Grade French Examinations, nearly everybody would get merit, and that the same pupils the following year in the same subjects would not get merit marks?—Yes, that has happened. Sometimes the papers given out in the Middle Grade course in Greek is comparatively hard, and last year the paper was very little harder than the Junior Grade Greek.

Lord Justice FRYGEMAN.—I am afraid they leave too much to the mercy of the examiner.

5669. Professor DOUGHERTY.—Do you find that

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Rev. William  
Hatch, D.D.

your objections apply chiefly to the papers of the examiners in the Junior Grade, who are frequently inexperienced!—There was a Professor Davis who was an stranger, and he was a great "craz." For a

long time he seemed to pick out the hardest words and words he could find in Roby's Latin Grammar, and expected the pupils to know those words that might not be met in years of reading.

# AHERN AND BRITWAY PAROCHIAL SCHOOL.

The Rev. John W. Hopkins, Vicar of Ahern, sworn and examined.

Rev. John W.  
Hopkins.

5700. Lord Justice FRINGGSON.—What is the name of the parish of which you are rector?—Ahern and Britway. It is a united parish; I am vicar of Ahern and rector of Britway.

5701. There is a school in your parish with a small endowment about which you wrote to us. What is the amount of the endowment?—An acre of ground, which was granted on the 22nd of April, 1838, by the late Duke of Devonshire. It was granted to the minister and churchwardens.

5702. There is a schoolhouse on the ground?—Yes.

5703. That was built by the "Association for the Discontinuance of Vice," assisted by private subscriptions?—Yes.

5704. Do you know the terms of the grant?—I believe it is held in perpetuity at the rent of 1s. a year from the Duke of Devonshire.

5705. Are there money funds attached to the school?—None whatever.

5706. What is the exact name of the school?—It is called Ahern and Britway Parochial School.

5707. Are Ahern and Britway separate parishes?—Yes, they are distinct parishes. Ahern is a village and Britway is a rectory.

5708. When were they united?—Well I could not say. They have possibly been united from time immemorial.

5709. Under whose management is the school?—It is under my management as the vicar of the parish.

5710. How is the school maintained?—It is maintained by private subscriptions.

5711. Is the school under the National Board of Education?—No, it is not.

5712. Dr. TRAILL.—Why are they then called National schools?—Well, at one time the school was under the National Board of Education, but I had a dispute with the Board.

5713. What was the dispute about?—I refused to submit to the conditions of Rule 95 on the Board's regulations.

5714. What is Rule 95 to which you have referred?—Rule 95 requires the teacher to refuse to give religious instruction to any child wishing to receive it. Well, the Commissioners called upon me to compel the teacher to adhere to that rule.

5715. That is not to compel the children to attend the religious instruction?—Oh, not at all; but to compel the child to absent herself from the religious instruction, and this I refused to do.

5716. Rev. Dr. MULLOY.—You refused to compel what child?—To compel a Roman Catholic child to absent herself from the religious instruction if she were willing to attend.

5717. That is, during the time the teacher was giving religious instruction to the other children?—Yes.

5718. Lord Justice FRINGGSON.—What is the number of children at present upon the roll of the school?—There are at present six upon the roll.

5719. What is the average attendance?—Well, the average attendance is about five.

5720. Are the children all members of the same family?—No; there are children belonging to three families attending the school.

5721. What means have you of paying the teacher?—The salary is paid by means of private subscriptions.

5722. What is his salary?—The teacher is receiving only £12 a year; but then he teaches in Ballynac school also. He teaches in Ballynac in the morning, and then he comes and teaches three hours every day in the Ahern school in the evening.

5723. Dr. TRAILL.—What is the nearest Protestant school?—Rathcorran.

5724. Lord Justice FRINGGSON.—How far is Ballynac school from yours?—I think about three miles, and I believe it is nearer than Rathcorran, which I have just mentioned.

5725. Under whose management is that school—the one at Ballynac?—It is under the management of the Protestant curate.

5726. Is it a school under the National Board?—No, it is not.

5727. How many children are on the roll at the Ballynac school?—There are ten, I believe.

5728. Dr. TRAILL.—How many children were attending your school at Ahern when you had to dispute with the National Board?—I think there were three.

5729. Professor DOUGHERTY.—Had you any Roman Catholic children attending the school at that time?—Yes, one Roman Catholic child.

5730. Rev. Dr. MULLOY.—What was the age of the child to whom you refer?—I think she was about twelve or fourteen years of age.

5731. Is she attending the school at present?—No, she is not.

5732. Dr. TRAILL.—Is it a master or mistress that is in charge of the school?—It is a master.

5733. Where was he trained?—Under the Church Education Society, but I think he holds a certificate under the National Board.

5734. How many children would the school accommodate?—I suppose it would accommodate about thirty pupils.

5735. Lord Justice FRINGGSON.—Do you think the children are getting any useful education under the present arrangement?—Well, I believe they are.

5736. How many Protestant children are in the parish who could attend the school?—There are about ten, but there are some children of Protestant gentry besides these.

5737. These children to whom you have referred are the children of Protestant parents who live in the neighbourhood of the school?—They are the children of Protestant farmers who reside close to the school. I may observe, gentlemen, that a few years ago I represented to the "Church Representative Body" that the school should be taken over and placed under the National Board as a vested school for all denominations in the parish. This I was induced to do on account of the difficulty of managing it as a small parochial school.

5738. Rev. Dr. MULLOY.—But what course would you adopt in that case with regard to Rule 95?—Of course, under the circumstances, I would refuse to become the manager; nor would I ask any dogmas, no matter of what denomination in that case to take the management.

5739. Lord Justice NABH.—Is the school near your church?—Yes, it is near the church; it is within a quarter of a mile of it.

5740. What is the nearest National school under Roman Catholic management?—I think Knockmore is the nearest.

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Hopley.

5741. How far is it distant?—About a mile and three-quarters by the shortest road.

5742. Lord Justice FRYGIMSON.—Is the district a thickly populated one?—Not especially; but there are a great many Roman Catholic children living in the district to whom it would be a great benefit to have a National School there.

5743. Dr. TRAILL.—Is there any layman living near you who would take the management of the school if it was put under the National Board, for all denominations?—I do not think there is.

5744. Is there no Roman Catholic layman would take the management?—I do not believe there is a Roman Catholic layman of a position to take the management, sufficiently close to the neighbourhood.

5745. Lord Justice FRYGIMSON.—What direction is it in, does it lie towards Castledyrnion?—It lies almost due south of it.

5746. Dr. TRAILL.—Does the school revert to the Bishops of Devonshire if it comes to be used as such?—Well, I could not venture an opinion upon that, I do not know.

5747. Lord Justice FRYGIMSON.—The property seems to a certain extent to be derelict since the Church Act.

5748. Dr. TRAILL.—Does the schoolmaster reside on the premises at ABERE?—No, he does not.

5749. But is not the property given in trust for a resident schoolmaster?—Yes, I think that is the case. The schoolmaster resides at the Ballynac school.

5750. What use is made at present of the residence at the ABERE school?—I let it out in apartments to a police constable who is stationed there, and I apply the rent towards the maintenance of the school.

5751. Lord Justice FRYGIMSON.—Do you not consider that letting it out in apartments in this way is a breach of the trust?—Well, I could not answer you whether it is a breach of the trust or not.

5752. Does the policeman to whom you have let the premises hold under a yearly tenancy?—He has signed an agreement to give up the premises to me whenever I want them.

5753. To whom do the Ballynac school premises belong?—The Ballynac school premises are, I think, private property; they belong to Mr. Nason.

5754. Is Ballynac a distinct parish?—Yes, it is a separate parish.

5755. Lord Justice NASH.—Could not the endowment be more beneficially utilised than as it is employed at present?—It would be a great pity to divert it from the purpose to which it has been originally devoted. Indeed I believe a great wrong would be thereby inflicted upon the Protestants of the parish, if the premises were diverted from that purpose.

5756. But do you ever expect to maintain an efficient school there?—Yes, I hope I shall be able to maintain the school there.

5757. Lord Justice FRYGIMSON.—Is there no other school in the neighbourhood to which these children could go if your school were closed?—I am afraid not. I fear if it is closed they could not attend any other school. Their residences are so situated that they could not attend at any of the National schools of the neighbourhood.

5758. The only prospect that appears to me is to make it a National school under such management as would attract the children of other denominations. Supposing that to be done, how many children are there in the immediate neighbourhood who could attend the school?—Well, I cannot say exactly, but there cannot be less than thirty Roman Catholic children to whom the school would be a very great advantage.

5759. Do these children live close to the school?—Yes, there are a number of them living in the adjacent village.

5760. Did the Roman Catholic children ever, as a

rule, attend the school?—Oh, yes; at one time I had no less than fourteen Roman Catholic children attending the school.

5761. Rev. Dr. MOLLAT.—Were they all learning the Protestant catechism?—No. What I really objected to with regard to rule 95 was being called upon to refuse to give religious instruction to a child that was willing to receive it from me.

5762. Dr. TRAILL.—What sort of religious instruction do you refer to; is it the Scriptures or the Church catechism, or both?—Well, I could scarcely answer that question.

5763. Did the child say that it wanted the religious instruction?—I was simply called upon by the secretary of the National Board of Education to direct the teacher not to give religious instruction to the child. The teacher had consulted me on the matter.

5764. Professor DOUGHERTY.—Then the child had not been receiving religious instruction; so, in point of fact, the case did not really arise?—In a certain sense it did not arise, but I was simply called upon not to give the religious instruction.

5765. Dr. TRAILL.—But surely the parent of the child is the best judge as to what religious instruction the child is to receive?—I maintain that a parent has no right to dictate in a matter of conscience.

Dr. TRAILL.—Oh, that is not a Protestant doctrine at all.

5766. Lord Justice FRYGIMSON.—It is very plain that the way in which the property in this school is held is not satisfactory. The original grant was to the ministers and churchwardens, but the latter have been abolished by Act of Parliament, and have no longer any legal existence. The case of this school is exactly similar to hundreds of other schools throughout Ireland. However, unless by means of some conjoint scheme for them all, I do not see how we can really do anything in the matter. If the people in your locality think it of any value, they could constitute a body to take over this, and similar property; and it is in our power to vest it in that body, and by giving the body a corporate character, to prevent any danger of the property becoming derelict, and also the trouble and expense of transfer. By this means a school, open to all denominations, might be established in your neighbourhood. The people in your district do not seem to be sufficiently supplied with schools. The Roman Catholic children have to travel almost a couple of miles to school. I desire, however, to say that in cases of this kind we never take the initiative; we would not press a scheme upon a school of this kind where the present trustees are unwilling; however, with the consent of the governing body, the Act empowers us to deal not only with this school, but with a large number of other schools throughout the various districts where our Commission have been holding sittings.

5767. Dr. TRAILL.—Would you object to have this school under Roman Catholic management if you were allowed free access to the school for the purpose of giving religious instruction to the Protestant children?—Well, I would not like to have it solely under Roman Catholic management.

5768. Rev. Dr. MOLLAT.—You are not in favour then of a mixed system of education?—I am, decidedly. The only thing in the whole system of the National Board that I object to is rule 95, and I really believe that no Roman Catholic or Protestant clergyman ought to be bound by that rule.

5769. Professor DOUGHERTY.—Then you would not object to the endowment being employed in the most beneficial manner for the children of the district?—I am only anxious to see the endowment employed to the best advantage.

5770. Lord Justice FRYGIMSON.—We would not give the property to the clergy of the parish alone, if we could find any people of position in the neighbourhood who would take an interest in the school, and

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Hepburn.

his work. We could vest the property in a body of this kind, and give them power to place it under the National Board, and thus enable them in that way to make the school really useful to the people of the district.  
Witness.—It occurs to me that the suggestion which you throw out, might be effected by vesting the school in the local bunch of magistrates.

5771. Lord Justice FRYGEMAN.—Are there no resident gentry about the place who would take an interest in the school?—Yes, there are several.

5772. What are their names?—Mr. Bewley and Mr. Pine are two who live not very far from the place.

#### ADAIR NATIONAL SCHOOLS.

Rev. Thomas Warren, sworn.

Rev. Thomas  
Warren.

5773. Lord Justice FRYGEMAN.—You are, I believe, rector of Fermoy?—Yes.

5774. How long have you been rector?—For over two years and a half.

5775. Are the Adair National schools under your management?—Yes, the schools are under my management as rector of the parish.

5776. Are they in connexion with the National Board?—Yes.

5777. How many pupils have you on the rolls?—At present I think there are fifty-four pupils on the rolls.

5778. What is the average attendance?—The average attendance, I believe, is about thirty-four.

5779. I see from the Report of 1880, that there is an endowment, paid by the Commissioners of Charitable Donations and Bequests?—Yes, there is.

5780. How much do you get from them?—I get a sum of £37 2s. 6d. a year.

5781. What other funds have you besides this £37 2s. 6d.?—I get also a bequest of £6 a year.

5782. What does that bequest arise from?—It was left by a lady in this parish, five or six years ago, a Miss Briscoe.

5783. By whom is that annual bequest paid?—It is paid to me by the Representative Church Body.

5784. Is the master paid by the National Board?—Yes.

5785. How are the premises held, is it under a lease?—Well the premises are held by the fact that we have been always in them.

5786. But what is the exact title by which you hold?—I could not tell you.

5787. It is stated in the Report of 1854, that an endowment of £1,000 was given by the Rev. Dr. Adair in the year 1814, which, with the accumulation of interest, amounted to £1,337 9s., in trust to the ministers and churchwardens of the parish of Fermoy, and the owner of the Fermoy estate. Who at present is the owner of the Fermoy estate?—I could not tell you anything about how the endowment is left; perhaps the agent of the estate would be able to throw some light upon that matter.

5788. Does anyone interfere in the management of the school except you?—I have the sole management; no one interferes in it except myself.

5789. Lord Justice NAISM.—Is there any other school in Fermoy under Protestant management but yours?—No other.

5790. Lord Justice FRYGEMAN.—Have you a copy of the will of the Rev. Dr. Adair?—No, I have not a copy of the will; but I got a short abstract of it from which I saw that he left £1,000 to the schools.

5791. Have you got that abstract with you?—Yes, here it is [hands in document].

5792. Lord Justice NAISM.—Do you know was the Rev. Dr. Adair pastor of the parish of Fermoy?—I really could not say whether he was or not.

5793. The money was left in the year 1814?—Yes, that is the year I believe.

5794. Lord Justice FRYGEMAN.—It is by the Representative Church Body that you are paid the other donation of £6 annually?—Yes, it is from them I receive the money.

5795. You appear to have parochial endowments of very considerable value attached to these schools, would you not think it advantageous to have a parochial body to hold the property?—Well, I do not see what advantage would be gained by it. I think that it is managed very satisfactorily at present.

5796. Dr. TRAILL.—It cannot be satisfactory if the estate is changing hands?—Well, I presume the money is safe where it is, and I think it is better not to be trying experiments.

5797. Lord Justice FRYGEMAN.—Have you no playground attached to this school?—Well at present our position in this. We have this old school-house which is somewhat decayed, and an infant school with a playground attached to it. Before I came here, the latter school was used solely as an infant school; however, when the school was brought under the National Board the children were all removed up to the infant school to which the playground is attached.

5798. To what purpose is the old school-house now devoted?—We use it for parochial meetings and other matters connected with the parish.

5799. How is your infant school held?—We have not a separate infant school now.

5800. How many curates are attached to the parish?—There are two curates at present.

#### FERMOY COLLEGE.

Michael Bourke, esq., J.P., sworn.

Michael  
Bourke, esq.

5801. Lord Justice FRYGEMAN.—You are the agent of the Fermoy estate?—Yes.

5802. What is the name of the present owner?—Sir R. J. Abercromby, of Farglona, Aberdeenshire.

5803. He is the successor of the purchaser?—Yes, the estate was purchased in 1836 from a Mr. Anderson, who had been a bankrupt.

5804. I believe there is a place called the College, which we have seen to-day, upon the property?—Yes, there is.

5805. It is a large building with about eleven acres of ground attached to it?—Yes.

5806. Over what length of time does your personal knowledge of the college extend?—Well, something over thirty years.

5807. Has it all that time been a college?—It has.

5808. Do you remember who was head master during the period to which you have referred?—I think the Rev. Mr. White was one of the first I remember; then he was succeeded by the Rev. Dr. Fahy, and the latter by Dr. Robinson, then there were several others.

5809. Do you ever remember it a large school?—Well, yes, I do. In fact I was at school there myself, and we had at that time, I believe, nearly ninety

boarders, and between, I think, twenty and thirty day boys.

5809. Who was then the head master?—Mr. White was then the head master.

5810. When did it cease to be a large school?—Well, it continued to be a large school until recent years. There was the Rev. Dr. Robinson who had a good school, then he was succeeded by two or three who died. The last head master was the Rev. Dr. Langley, and I had to take the college from his representatives.

5811. Did the people who succeeded the Rev. Dr. Fahy hold leases?—No, they held the premises merely by agreement.

5812. Lord Justice FRANKLIN.—Were they written agreements?—Yes.

5813. And for what terms were the premises held under these written agreements?—Well, the terms were various. Dr. Fahy held under an agreement for twenty years.

5814. Was there a rent reserved under the lease?—Yes, it was subject to a yearly rent of £80.

5815. Did all the executors of Dr. Fahy pay rent?—Yes, I received rent from each of the schoolmasters who held the premises.

5816. Lord Justice FRANKLIN.—Was the gymnasium which we saw when we visited the premises the morning put up by you or by one of the head masters?—That gymnasium to which you refer was erected by the Rev. Mr. Berry, a late head master.

5817. Was it erected at his own expense?—Yes.

5818. Dr. TRAILL.—Why did the Rev. Mr. Berry give up the premises?—Well, he got on so well here that he thought he would do better at Portlinton, and he made a mistake.

5819. How many pupils had Mr. Berry?—I think he had about 60 boarders.

5820. And you think if he had remained here he would have succeeded better than at Portlinton?—Well, I think it would have been better for him if he had remained here.

5821. Lord Justice FRANKLIN.—The school is now vacant; is it subject to any trust?—No, it is not subject to any trust—at present it is in my hands as agent of the estate.

5822. It does not appear to have any endowment?—No; that is the worst of it.

5823. Dr. TRAILL.—I suppose you would willingly grant a lease of the school if any endowments were provided for it?—Yes, I would willingly grant a lease.

5824. Supposing the school were re-established, what number of day boys could you get to it?—Well, Dr. Hatch occupies the part so well that there is scarcely room for a second school at which day boys might attend.

5825. Were there no day boys coming in from the country to the school when you attended it yourself?—Indeed, I could scarcely say; I myself was a boarder, and I was so very young at the time that I cannot remember exactly whether there were or not.

Oct. 26, 1887.

Michael  
Donohoe, esq.

# ROMAN CATHOLIC PRIMARY EDUCATION, FERMOY.

Rev. P. J. O'Callaghan, Administrator of the Parish of Fermoy, sworn.

5826. Lord Justice FRANKLIN.—What provision is there for the primary education of boys under Roman Catholic management in the town?—We have got a school managed and taught by the Christian Brothers.

5827. Is that the only school?—No, we have a school in connection with the National Board of Education, at the other side of the town.

5828. Then the Christian Brothers have children only from one quarter of the town?—Well, there is no distinction made as to the locality from which the children come, but I may say that one side of the town is supplied by the Christian Brothers' schools.

5829. If there is no distinction made as to the locality of the town, what makes the distinction?—The distinction is simply this, the schools are in different positions. The old National School of Fermoy is a school at present under the charge of the Christian Brothers.

5830. When was it taken from under the control of the National Board?—I think it was in the year 1883 it was taken from the National Board and given over to the Christian Brothers; for a considerable time after this period we had no primary Catholic school in the town under the control of the National Board. In the year 1877 or 1878, I am not exactly sure which, the then Administrator of the parish of Fermoy purchased the interest of a house on the other side of the town, as he found the Christian Brothers' schools were not large enough for the school accommodation of the Catholic boys of the town. He purchased the interest in this house on the other side of the town, and got it put into connection with the National Board, and it has been since that period worked in connection with the National Board.

5831. What staff have the Christian Brothers got? There are two teaching brothers, and there is also a lay brother with them.

5832. What salary do you pay them?—I pay them out of our gate collection £120 a year, and they have a house of residence free of rent.

5833. Then the salary is raised by voluntary contributions?—Yes, it is all raised out of voluntary contributions.

5834. Lord Justice FRANKLIN.—Is there not some guarantee given to the Christian Brothers before they undertake to start a school?—Yes, I may say that there was such a guarantee here. The Brothers must be maintained if they are to conduct the school. It has been a matter of arrangement that this salary shall be paid to the Christian Brothers. I pay them myself regularly.

5835. The school fees are devoted to paying masters and buying books?—I believe so, but I have no control over them in that matter.

5836. Lord Justice FRANKLIN.—Can you tell me the attendance there?—I have never seen the rolls myself, nor did I ever learn the exact number, but I have always been under the impression that the numbers on the roll would be about 250 or 260, about 120 I should say in each school; I think, however, there might be some more in the lower school than in the upper.

5837. There appears to be ample provision, on the terms at which it can be got, at St. Columba's College for a high class education?—Yes.

5838. Dr. TRAILL.—What guarantee have you, when you have no control over the management, that the work by the Christian Brothers is well done?—I have no right at all to interfere in the management; the schools are entirely under the management of the Christian Brothers, my part is to find the funds for the Brothers' salaries.

5839. Lord Justice FRANKLIN.—To what class does your teacher belong, under the National Board?—He is a third class teacher.

5840. Is he trained?—No, but he is an efficient man.

5841. What salary has he got?—He has the Board salary of £35, in other words, his class salary, his school pence, and in addition two-thirds of the result fees.

5842. What is the number of pupils at present on your rolls?—I think the number on the rolls now would be about 180, something more than half the attendance at the Christian Brothers' schools.

5843. What is the provision for the teaching of girls in the parish?—We have two other schools; they are mixed schools.

Rev. P. J.  
O'Callaghan.

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Rev. P. J.  
O'Callaghan.

5843. Are these in the town?—One is close to the town, the other about three miles out.

5844. Are these ordinary rural National Schools?—Yes, but they are mixed schools; both girls and boys attend them.

5845. What provision is there for the intermediate education of girls?—There is a girls' day school in connection with Loretto Convent.

5846. Lord Justice NAIRN.—Do you take boarders as well as day pupils at the Loretto Convent?—Yes, there are a good many boarders, but the number of day pupils attending is not very large.

5847. Dr. TRAILL.—How many boarders are attending the convent school?—I think about sixty or seventy; but I am not quite sure about the number.

5848. Is there no school in connection with the convent under the National Board?—Yes, there is a large school in connection with the National Board. The Presentation Nuns have a large National School on their premises.

5849. Lord Justice FITZGERSON.—Do you know the numbers on the roll?—There would be, I think, about 630 on the roll. There are some of these infant boys about seventy or eighty, I believe.

5850. Including both infants and girls can you tell us what would be the average daily attendance?—The average daily attendance including both infant boys and girls would be about 450.

Oct. 26, 1887.

## PUBLIC SITTING—TUESDAY, OCTOBER 25, 1887.

At the Courthouse, Lismore.

Present:—The Right Hon. Lord Justice FITZGERSON, and the Right Hon. Lord Justice NAIRN, Judicial Commissioners; and the Rev. GERALD MOLLOY, B.D., D.D.; ANTHONY TRAILL, Esq., LL.D., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, JUNR., was in attendance.

## \*LISMORE ENDOWED SCHOOL.

R. H. Power, Agent to the Duke of Devonshire, sworn and examined.

R. H. Power.

5851. Lord Justice FITZGERSON.—What are the endowments of the Lismore Endowed School?—The school was founded under the will of Richard, Earl of Cork, in 1645, which provided for the payment, yearly, of £20 sterling to the schoolmaster of the Free School at Lismore, £10 to the usher.

5852. Is this the only foundation that you know of which is attached to this school at Lismore?—Yes, that is the only foundation that the school appears to have had; at least it is the only foundation that we have been able to trace.

5853. In whom are the school premises vested?—They are vested, in the Duke who lets them to the head master of the school.

5854. Are the premises kept in repair by the Duke?—Yes, the Duke keeps them in repair, but I think he is not obliged to do so.

5855. What do the premises consist of?—They are very extensive; there is accommodation for fully fifty boarders; there is a small extent of land; there is a playground and garden. The Duke also lets accommodation land to the extent of twenty-three acres at a low rent.

5856. That is at a lower rent than it would otherwise bring?—Yes, at a lower rent.

5857. Who is the present head master of the school?—The present head master is Dr. Wright.

5858. When was he appointed?—He has only been appointed very recently. He has been here only since last February.

5859. Lord Justice NAIRN.—Does the Duke execute any instrument when appointing the head master?—Yes, there is a written appointment. It is similar to what you saw at Youghal.

5860. I think you and the Dean of Lismore are appointed visitors of the school by the Duke; have you ever visited the school in your official capacity?—We visit the school occasionally, and if we found a complaint made by any of the boys we would investigate it.

5861. Do you then visit the school in company with the Dean of Lismore?—Well, no, not as a regular thing, but I have been there two or three times with him.

5862. Lord Justice FITZGERSON.—Do you know

how long this power of visitation has been in existence?—Previously to Dr. Wright's appointment there were no visitors at all.

5863. I suppose you know that the Commission of 1854 reported that the school was in a very deplorable state?—Yes, I heard so.

5864. Do you know whether the Commissioners of Education take any part whatever in the management of the school?—No, not that I am aware of.

5865. Professor DOUGHERTY.—Was there never at any time a local committee taking an interest in the management of the school?—There never was at any time, I believe, a local committee. I may mention that since 1864 the school was quite flourishing; in recent times there were thirty-four boarders there.

5866. Dr. TRAILL.—I suppose the school is open to all Protestant denominations, and that you have boys of the various Protestant denominations attending the school?—As regards that, I could not answer exactly, but Dr. Wright, the head master, is here, and he will be able to give you evidence as to that point.

5867. Lord Justice NAIRN.—I see in the report of 1879 that there was this schoolhouse given to the school?—I do not know as to that, there was no mention in Lord Cork's will.

5868. Lord Justice FITZGERSON.—Are the present almshouses the same as those mentioned in the will of the Earl of Cork?—No, they are not. The present almshouses have taken the place of those erected by the Earl of Cork.

5869. Is the schoolhouse the same building as that mentioned by the Earl's will?—No, the school buildings are not the same. The present buildings are much more modern.

5870. Is the site the same?—Well, I am not sure of that; they may be on the same site as the school in Lord Cork's time. I have brought up here an old account book which contains entries relating to the school in the years 1839 and 1840. Perhaps the members of the Commission would like to see it (account book handed in).

5871. Is this the first payment to the schoolmaster at Lismore that you know of?—That is the first that we have so far been able to trace. You will see that it is called the Free School at Lismore, but so far as

we can find out there never were at any time any free scholars. The handwriting in the book is similar to that of the letter I showed you at Banister.

1872. But it is called "The Free School at Lisamore."—Yes, but we have been unable to find out anything about the free scholars.

1873. Rev. Dr. Meehan.—The Commissioners, in 1854, report that the master of the Lisamore School

had converted a free school into a private one!—Well, the Duke never sent any scholars there as free scholars, as far as we are aware. It is called in all those accounts "The Free School at Lisamore."

1874. But as far as you know free pupils were never received?—Yes, that is the case. I never knew of free pupils.

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R. H. Power.

Wm. Wright, M.D., Head Master of the Lisamore Endowed School, sworn.

1875. Lord Justice Fitzgerald.—When were you appointed head master?—I was appointed in February 1867.

1876. When you came here what was the number of pupils attending the school?—I opened with one boarder and four day boys.

1877. In February, 1879, there appear to have been fifty pupils attending the school—fifty-five boarders and five day boys. Do you know when the attendance fell off?—I do not know anything whatever of the previous history of the school.

1878. How many day boys and boarders have you at the school now?—I have at present five boarders and ten day boys.

1879. Where do the boarders come from?—They come from various districts—some come from Kilkenny, some from Waterford, and some from the County of Cork.

1880. Are the day boys all from Lisamore?—Yes, all are from the neighbourhood of Lisamore.

1881. What are your fees for boarders?—I charge from £35 to £42 per annum for the boarders.

1882. And what for day boys?—From eight guineas to ten guineas.

1883. What is the course of education pursued in your school?—The general course which is taught in all collegiate schools—English, French, Mathematics, Greek and Latin.

1884. Have you any assistants?—I have one assistant at present. When I cause my numbers were so small I did not require one.

1885. What does the assistant master teach?—He teaches the English subjects.

1886. Do you prepare the boys for the Intermediate Examinations?—We are not specially preparing the pupils for the Intermediate. Last year I had so very few boys that it was not worth the trouble to send them in for the examinations. This year I have some boys, but my numbers altogether are small, so I have not sent to send.

1887. Dr. TRAILL.—What is the nearest centre to which you can send your boys?—Dungannon or Ferns. I think there is a centre at both places.

1888. Lord Justice Fitzgerald.—You get this remittance of £30, Irish?—Yes, that has been paid to me.

1889. What other emoluments have you got?—I held twenty-three acres of land at a reduced rent from year to year from the Duke of Devonshire.

1890. Dr. TRAILL.—What rent do you pay for those twenty-three acres?—I pay £25 for the twenty-three acres.

1891. Are the premises all kept in repair by the Duke?—Yes.

1892. Lord Justice Fitzgerald.—Is the regulation of the scale of fees for day boys and boarders entirely left in your own hands?—There has been no interference by anyone in that matter since I became head master of the school.

1893. Dr. TRAILL.—Have you the lands only while you are head master of the school?—Yes, I have signed a written agreement for them to that effect.

1894. Lord Justice Fitzgerald.—Of what University are you a graduate?—I belong to Trinity College.

1895. You took your degree there?—Yes, I graduated B.A. in 1877, LL.B. in 1881, and I took my degree of M.D. in 1882.

1896. Have you had much experience in teaching?—I have been engaged in teaching for several years.

1897. What are the other schools at which you have taught?—I was head master at Downpatrick before I came here for over three years.

1898. Did you come from the school at Downpatrick to assume duties as head master here?—No, not directly. I came home from New Zealand. I had been abroad for some time in the colonies, and when I came back from the colonies I was appointed head master here.

1899. Do you see any reasonable prospect of enlarging the number of pupils attending the school here at Lisamore?—Well, I see no reason why there should not be a good school at Lisamore. It is a good position for a school of its class as any in the south of Ireland.

1900. What means do you intend to take so as to increase the number of your boys?—I hope to advertise largely the successes of the boys when I get it more into working order, and by this means to attract pupils to the school. I am determined to spare no effort to restore the College to a state of efficiency, and to give public proof of successful working and management.

1901. Have you as yet any successes with your pupils in the examinations?—Oh, yes, one of my boys succeeded lately in winning a place in the Book of Ireland; another of them passed direct from the school into a theological college in England, St. Bee's, another pupil passed into one of the medical schools in Dublin. All these boys succeeded since I came to the school.

1902. To what religious denominations do your boys belong?—To only one denomination now, the Church of Ireland, but the school is open to all denominations, there is no restriction that I see on the pupils as to what religious persuasion they belong, and no objection to me receiving any pupil.

1903. We understand that the Duke of Lisamore and Mr. Power are in the habit of visiting the school?—Yes, and I am always glad to see them.

1904. Professor DODDINGTON.—Do you not think it would be very advantageous if you had a local committee to visit the school and take an interest in its management?—I do not think it would be of much advantage to the school. I believe when a school has to depend upon a local committee for its successful working, its existence is very precarious.

1905. Dr. TRAILL.—Had you not a local committee in connection with the school at Downpatrick?—I did not find that it benefited the school much.

1906. Professor DODDINGTON.—Do you not think it might aid you in the way of obtaining subscriptions and endowments?—I think the school would pay me as well without a guarantee.

1907. Then you would prefer to work the school without the assistance or interference of any committee?—Yes. I would rather have the school without a local committee of management.

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Very Rev. Dr.  
Brougham.

Very Rev. Dr. Brougham, Dean of Lismore, sworn.

5908. Lord Justice FRYGIMON.—You are the Dean of Lismore?—Yes.

5909a. How long have you been in Lismore?—Over ten years.

5909. Can you tell us what have been the fortunes of this school during those years?—Yes, I can. There was a very fair attendance of boys at the school—I think about thirty was the number—when I came here first. I believe the school then failed financially. My idea is, that the cause of its failure was that the then head-master had far too many assistant masters. There were three assistant masters, one a Cambridge man, another an Oxford man, and the other was a gentleman who had been in the Civil Service; he was a classical master I think. I do not believe that the school was able to pay all this staff; I think it broke down from that cause. The first assistant master was appointed head-master as soon as the gentleman to whom I have referred, and whose name was Gillon, had left the school.

Mr. R. H. Power.—Mr. Gillon was head-master in 1873, and at that time the school appears to have had forty pupils at that period.

A witness.—I do not know positively that it was the cause, but I think it was that financial shortness which caused Mr. Gillon to throw up the school; but, as I have said, I do not know positively that it was so; that, in my opinion, was the cause.

5910. Professor DOUGHERTY.—Was there no fault to be found with the way in which he conducted the school?—None that I am aware of; there was no fault to be found with the master.

5911. Lord Justice FRYGIMON.—Do you know anything about the way in which he left; did he resign?—I think he resigned about 1873.

5912. What became of the school when Mr. Gillon's chief assistant master took it?—When the head assistant, whose name was Mr. Honey, took charge of the school, he found it at low-water mark, and worked it up and had about thirty boarders. But he fell into the opposite error, I think, to that into which his predecessor fell, and instead of having too many assistants he had too few and was charging them too often. A man would come in the middle of term, and perhaps leave the school before its close, and so on. The school went on very well till about a year and a half ago; in fact thrashed was a tolerably good one about July twelve months, then it collapsed. Mr. Honey thinking it no longer paid him, resigned. The school was left without a master for about a year. Mr. Power, the agent for the estate, then advertised for a master, and appointed the present master, Dr. Wright. Dr. Wright found the boys all dispersed, and has had great difficulty in getting a school together. Some of the boys have gone to Tipperary school, and it was very up-hill work in getting the boarders together.

5913. Have any of the former boarders, who were there in Mr. Honey's time, come back to Dr. Wright?—Yes, two, and he has got brothers of boys who were under Mr. Honey's charge. He has got all the Protestant day boys he could possibly expect from the neighbourhood of Lismore.

5914. Then there are not, within your knowledge, more than ten Protestant boys in the town of Lismore who could attend the school as day pupils?—Well, I think that would be about the number.

5915. Dr. TRAILL.—Could Protestant boys from the immediate country district not attend the school as day boys?—Yes, boys might come from Cappoquin, Cappagh, or Dungarvan; they could, I think, come by train so as to be in time for morning school.

5916. Lord Justice FRYGIMON.—We could find no school under Protestant management in Fermoy; might you not expect boys from Fermoy to come here?—Yes, we might expect them very well.

5917. Professor DOUGHERTY.—All the boys at

present attending the school belong to the Church; are there Methodist or Presbyterian boys who might come to the school?—Well, I could not say.

5918. Do you agree with Dr. Wright that it would not assist the school to have a committee of local gentlemen who would take an interest in its management?—That is my opinion too, and I am strengthened in it by the opinion of Mr. Curvey. I think the school would work better without any committee.

5919. Well our experience has been that nearly all the successful schools in the North have local committees of management?—As far as I know about this school a man was appointed head master, and then left to sink or swim as best he could, that was before the appointment of Dr. Wright.

5920. Exactly, there was no control whatever; no body to interfere?—Indeed it might be better to have a couple of visitors. In the late head master's time there was no body to interfere.

5921. Then you would be in favour of a local committee?—I think that I, as Dean of Lismore and Rector of the parish, and Mr. Power, as the agent and representative of the Duke of Devonshire, would be a suitable pair of visitors to look after the school.

5922. Dr. Wright says he would not care to have any local committee interfering with the management of the school?—Well he did not object to us when we were appointed visitors, he said he was glad we were appointed. We have never had to investigate any complaint.

5923. What are your duties as visitors?—Mr. Power looks after the repairs and other matters of that nature, and I look after the religious instruction of the boys. I have all the boys once a week for religious instruction.

5924. Lord Justice FRYGIMON.—Would you not be in favour of enlarging the number of visitors?—I think Mr. Power and I are well enough able to manage the school as visitors.

5925. But you have no *locus standi* as far as I can see?—I cannot say.

Rev. Dr. MOLLOY.—Your evidence amounts to this, that you approve highly of a local committee consisting of yourself and Mr. Power.

5926. Professor DOUGHERTY.—You would not think of appointing members of any other religious denomination than your own to serve on the committee?—I don't know that there are boys of any other religious denomination to attend the school.

5927. Lord Justice FRYGIMON.—Would not those mistakes in the management of the school, to which you have before referred, have been prevented by visits from a managing committee?—If I had been a visitor at the time I would have stopped them.

5928. I think it would be much better if the Dean of Lismore and Mr. Power, as agents of the Duke, had legal power to act as visitors in the school?—I think so too.

5929. Do you not think it would be as well to have some of the parents of the boys attending the school to work along with you?—I think in matters of this kind a small committee works best.

5930. Professor DOUGHERTY.—Have you no hope of being able to increase the number of pupils except from boys belonging to your own church?—I do not know of any others to come.

5931. Lord Justice NAIRN.—Is there any other classical school in Lismore?—I do not know of one; unless they teach classics at the Christian Brothers.

5932. Have the Presbyterians any classical school in Lismore?—No. I do not know of any Presbyterian boys in Lismore or neighbourhood, who would be likely to go to a classical school.

5933. Rev. Dr. MOLLOY.—You say the school is

open to all religious denominations; but in point of fact, do any Roman Catholic children attend it?

Dr. Wright.—There are none at present.  
Witness.—The head master informs me that he has three private pupils who are Roman Catholics. They come after school hours.

3934. But there are no Roman Catholic children going to the school?—No.

3935. Then the Roman Catholic population of

Lisnore get no advantage whatever from the endowment?

Dr. Wright.—If they wish to take advantage of it, the school is quite open to them.

3936. Lord Justice FRYGEMAN.—Are you giving the Roman Catholic pupils, who, you say, are private pupils, the same education as the other boys in the school?—Yes.

Rev. J. McKean, Presbyterian Minister, sworn.

3937. Lord Justice FRYGEMAN.—How long have you been in Lisnore?—Over twenty-three years.

3938. Has there been during all that time a Presbyterian congregation in Lisnore?—Yes, and there is still a Presbyterian congregation in it.

3939. What is the number of the Presbyterian population?—I minister over a district twenty-five miles long by twenty-five miles broad, and to a congregation including seventy or eighty individuals. We have twenty-five communicants on the roll.

3940. Are there any individuals in your congregation who want intermediate education for their children?—I cannot say that I know of any at present.

3941. Have there been any such individuals during your ministry?—Yes, at one time there were six Presbyterian boys at the Lisnore school.

3942. When was that?—During the time that a Presbyterian was head master of the school. Mr. Patterson was then the head master.

3943. Can you give us any suggestions as to the causes of the great fluctuations in the fortunes of the school?—No. When I came here to Lisnore about twenty-three years ago there was no school; the place was held by a gentleman, who was a layman, and he had no school for several years, but he had had at one time, as his assistant masters, some well known men, among others, Dr. McTaggart, and some others; afterwards the school fell away, and the then head master had a seizure till his death. The Duke of Devonshire was then pleased to appoint Mr. Patterson head master of the school, and he had at one time some fourteen or fifteen boys attending the school.

3944. Dr. TRAILL.—Was he a Presbyterian clergyman?—No, he was not ordained as a clergyman, but he had passed through College, and had been licensed, but was not attached to any congregation. He devoted himself to teaching at Lisnore.

3945. Lord Justice FRYGEMAN.—Can you give us any suggestion as to the causes of the fluctuations in the numbers?—Well, no; I think the school during Mr. Haney's time was a great success, he had thirty-five boarders, and this too after the previous history of the school. Mr. Haney was organist at the cathedral, and did not mean to be satisfied with his position, and I think he determined to return to England, and so he did not care to work hard as to keep up the school. Dr. Wright has only been lately appointed, and under him the school appears to be doing fairly well.

3946. Dr. TRAILL.—Are there none of your boys going to it?—None at present. One of my congregation was speaking to me about it, but he says the fees are too high.

3947. What are the fees charged?—£10, I think, are the fees charged for day boys.

3948. What fees would the member of your congregation, of whom you have spoken, be willing to pay?—He thinks £1 for English, and some 30s. a quarter for English and classical would be enough.

3949. Does he intend to educate his son for a profession?—He was thinking of sending his son to be educated as an engineer, and is not particularly desirous that he should learn classics.

3950. Why would he not have his son taught classics

as well?—I do not know. I know he objects to the fees as being too dear.

3951. Has he spoken to Dr. Wright on the subject?—I do not think he has. But my recollection of the words of Ireland enables me to say that an education of a similar class to that imparted at the Lisnore School could be obtained at the Andersonian Institution, Belfast, for about £8 a year.

3952. Professor DEVEREAUX.—Do you ever visit this school?—I have never visited it since Dr. Wright came, nor indeed since Mr. Patterson left.

3953. Do you think the materials for a local committee exist in Lisnore?—Well, the school has been ably managed, and, I may say, so generously managed by the Duke of Devonshire in every respect, both as regards teachers and pupils, that I for one would be prepared to leave it in the hands of the Duke of Devonshire, as it has been for the past number of years. May I be allowed to say that I remember, years ago, when I was in conversation with his Grace on the matter of endowed schools, that he expressed an opinion to me (I think it is not a breach of confidence in publishing it) that he thought that if an endowed school had proved successful in a certain locality, that the Royal Commission would be warranted in appropriating the endowment to another place, where it would be likely to be more successful and useful.

3954. Lord Justice FRYGEMAN.—But the Royal Commission find themselves much puzzled when at one time a school with an endowment is very successful, and at another is a failure?

Dr. Wright.—I believe there is material in Fermoy and Lisnore for a good school, if the Catholics would attend the school as they have done in days past.

3955. Can you suggest any means by which we can help the school to regain its former status?—One of the ways would be by the abolition of the visitors in their official capacity altogether. Have no visitors, neither one clergyman nor another, then the reduction of the school fees to meet the capabilities of a larger class of the community.

3956. If you look at the former reports you will find that when there were no visitors, the school was practically deserted?—Yes, and when there were no visitors there were some 35 boarders at the school. With respect to free pupils, Mr. Power, I think, stated that he was not aware of any boarders being free pupils, and getting their education free at the school in the past. I have no exact data on which to base my statement, but I know I have often heard of boys who were free pupils at the school, and were educated free as such.

3957. Lord Justice NASH (to Mr. R. H. Power).—Does the Duke make grants to any other schools in Lisnore except this endowed school?—He does. He makes grants annually to the Christian Brothers' Schools and to the National Schools.

3958. Do you know what are the respective amounts of these grants?—To the National Schools he subscribes £20 or £25, and I cannot say how many what he subscribes to the Christian Brothers, but I think it is £20. He subscribes to the Convent Schools, those under the National Board, £30. He also does some repairs to the Christian Brothers' Schools.

3959. Dr. TRAILL.—Does the Duke make any distinction between the Christian Brothers' schools here

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Very Rev. Dr. Scrimgeour.

Rev. J. McKean.

Oct. 26, 1887.  
Rev. J.  
McKenna.

and those at Youghall?—The Duke has no property now in Youghall, but to the best of my belief he does subscribe there also.

5950. Lord Justice FitzGibbon.—He has no property now in Youghall but the fishery?—No; when the property was sold the subscriptions were withdrawn.

5951. Professor DOUGHERTY.—You have not got a copy of the advertisement inviting candidates to apply for the head-mastership of the school?—No, I have not, but I have got the deed of appointment.

5952. Lord Justice FitzGibbon (reading).—"The Duke of Devonshire appoints William Wright to be head-master of the Grammar School at Lismore. He is not to accept any appointment in the Church or otherwise which would interfere with his duty as master except on Sunday alone. He is at any time to give up the school premises on receiving proper notice, and at the expiration of the period it is lawful for the Duke to take possession."—This case is very similar to many others which we have heard. It strikes us as being well worthy of your consideration whether the permanence of this school in its present condition might not be secured by associating some local gentleman in the management. We would be very glad to hear of such a committee being constituted, and would give it all the assistance in our power. Of course, if we attempted to do anything against his Grace's will or without his consent, we would be apt to destroy the school, which is certainly no part of

our duty. But if any local committee, satisfactory in its constitution to all parties, could be made, we would be glad to give effect to it. It would be our duty to make provision with regard to the rent-charge, which is the whole of the endowment, and to secure it for the benefit of the neighbourhood. It is a good matter to have such an endowment, and it would be very advantageous to have it secured if the property were sold, or if one of his Grace's successors were less active than he is in the cause of education. This small endowment, if secured, might prove a nucleus for other endowments. Another thing to remember is, that neither Mr. Gilliland nor Mr. Henry seem to have found the slightest difficulty in getting pupils. The difficulty seems to be in keeping them.

The Dean of Lismore.—We have now got an excellent master, and I hope that in a short time the school will regain its former position.

Mr. R. H. Power.—I may say that when Mr. Henry resigned he had a good school.

5953. Dr. TRAILL.—Why then did he give up the school?—He refused to take new pupils, and let the numbers fall off.

5954. Lord Justice FitzGibbon.—What our experience tends to show is that these collapses occur when there is no one interested in the school—that is, no one interested but the master. Then, on the other hand, in cases where several outsiders are interested, the school, though at dead low water perhaps for some time, has gradually recovered its position.

## PUBLIC SITTING—WEDNESDAY, OCTOBER 26, 1887.

At the Courthouse, Clonmel.

Present:—The Right Hon. Lord Justice FITZGIBBON, and the Right Hon. Lord Justice NABES, Judicial Commissioners; and the Rev. GERALD MOLLOY, B.D., D.D., ANTHONY TRAILL, Esq., LL.D., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, JUNR., was in attendance.

### \*CLONMEL ENDOWED GRAMMAR SCHOOL.

The Rev. *Marye Le Bon Kennedy*, Head Master of the Endowed School, Clonmel, sworn.

5955A. Lord Justice FitzGibbon.—When were you appointed to the head-mastership of Clonmel Endowed School?—October, 1883.

5955B. By whom were you appointed?—I was appointed by Lord Mountcashel and Lord Ormond.

5955C. Were you appointed under a written agreement?—Yes.

5955D. Have you got a copy of that agreement with you?—No, but I can easily obtain it for you.

5955E. How was it you heard of the vacancy?—I saw an advertisement for a master, and I accordingly sent in an application and obtained the post.

5955F. Do you know who had been the master before you came?—Yes, a Mr. Hinchinson he was master, at least so far back as in 1877.

5955G. What number of pupils are attending the school at present?—At present there are forty-seven altogether.

5955H. What number of these are boarders and day boys, respectively?—There are thirty-six boarders and eleven day boys.

5955I. Are the thirty-six boarders as many as your house will accommodate?—Well, very nearly as many.

5955J. Where do the boarders come from?—From all parts.

5955K. Dr. TRAILL.—How many pupils could you accommodate altogether; I mean, without going into the private part of the building?—About forty boarders and fifteen or twenty day boys are as many as the premises could accommodate.

5955L. Lord Justice FitzGibbon.—What are your terms for boarders?—I charge £50 for boys over thirteen, and for boys under thirteen £46.

5955M. Does this fee include everything?—Yes, except music and drawing with books.

5955N. During the time you have been in charge has the number of day boys increased or diminished?—First increased, then diminished.

5955O. What was the largest number of day boys you had at any time?—I had twenty-three day boys at one period, or somewhere about that number.

5955P. The school seems to have been founded "for the education of the sons of the Protestant freemen of Clonmel to be taught gratis." How many of the sons of freemen of the town have you at the school now?—There are six free boys attending the school at the present time.

5955Q. How are these boys admitted to the school?—Well, singly in this way—some person applies to me, whom I know to be a freeman, for the admission of his son as a free boy, and if I have nothing to say against the character of the applicant's son I admit him.

5955R. Are you bound to take the son of any person who is a Protestant freeman?—Yes, I believe so.

5955S. Rev. Dr. MOLLOY.—Was there any notice in the deed of your appointment as to the education of the sons of freemen?—Yes, that term was in my deed of appointment.

5955T. What emoluments do you receive from the endowment?—I get a salary of £350 a year.

5955U. Do you get anything in addition?—I am besides that entitled to receive the fees of the paying pupils.

5955V. Then for the sum of £350 you are expected to teach the sons of the freemen of Clonmel?—Yes.

\* Appendix B, No. XLX., p. 895.

Rev. Marye  
Le Bon  
Kennedy

that sum I am bound to receive the sons of freemen and educate their girls.

5984. Lord Justice FRANKLIN.—Why are there so few of the sons of freemen at the school?—I really do not know. They vary from time to time. There were one or two boys who came to me for a time, but after a time they were taken away, and were sent to the Model School by their parents. The parents seemed to think that there was little use in learning Greek and Latin.

5985. What fee do you charge day boys?—We charge day boys £8 or £10 a year, according as they learn classics or not.

5986. Dr. TRAILL.—How many boys are not learning classics?—There are four boarders who are not in any class at present.

5987. And how many day boys?—Well, just now there is no day boy who is not learning classics.

5988. Then forty-three out of the forty-seven at the school are learning classics?—Yes, I believe that is the proportion.

5989. Lord Justice FRANKLIN.—Do you send your boys in for the Intermediate examinations?—Yes, I send the boys in whenever the courses suit them.

5990. Did you send any up this year?—I sent some.

5991. What do you mean by "whenever the courses suit them"?—Whenever the subjects are somewhat near our usual school course. Some years they require special examining for the Intermediate.

5992. How is it that one year they require examining and another they do not?—Well, sometimes I had boys who were too old, and then I had others who were engaged in reading a course which would not suit the Intermediate without taking them away from their special work. But for the future I hope to arrange the school so as to be able to send up the majority of the boys for the Intermediate Examinations.

5993. How many did you send up for this year's Intermediate Examinations?—I sent up eight this year.

5994. Did any of them get exhibitions?—No, they got no exhibitions among them. They all passed and one got a prize.

5995. What grades did they pass in?—Middle and junior. They were mostly junior boys, and I did not begin the special course with them till after Christmas.

5996. When we were here last we were told that the Protestant freemen of Chelmsford were limited in number?—I do not know anything about the matter.

5997. Rev. Dr. MOLLER.—Is there a list kept of the Protestant freemen of Chelmsford?—I do not know of it, but perhaps the Town Clerk would know about it, and could produce it.

5998. Dr. TRAILL.—Is there any distinction made in the school between those who are free boys and those who are not?—No; there is no distinction whatever made between the boys at the school.

5999. Lord Justice FRANKLIN.—Do you know anything as to how the estate is managed?—I know nothing whatever of the estate except what I can gather from the yearly reports.

6000. Do the trustees, so far as you know, take any part in the management?—I believe they cannot; I think they have nothing whatever to do with it. They appoint the head master. All the rest is done by the Clare-street Commissioners.

6001. What do they do with regard to the repairs, is he concerned on the school premises?—The only thing they do is to say that they cannot give us any money. They have given us £50 in the last five years for repairs and improvements that had to be executed on the buildings.

6002. Rev. Dr. MOLLER.—Do they keep the buildings in repair?—Yes, they are supposed to do so.

6003. Lord Justice FRANKLIN.—Do you get any money from them for the payment of assistant masters?—None whatever. I have also to pay the rent of a cricket field.

6004. What rent do you pay for the cricket field?—£30 a year for three acres.

6005. Do you hold it under a lease?—I am a yearly tenant, but can hold it for a term of three years if I like. I rent it from a Mr. Higgins.

6006. Dr. TRAILL.—You are bound to keep it in grass, I suppose?—Yes.

6007. Lord Justice FRANKLIN.—The last statement we got from the Commissioners is, that they received £348 11s., but that the school was in debt to them £783 10s. 9d. I—I believe a large part of the debt is a Government debt for building.

6008. Has that debt not been cleared off?—I believe the building debt has not been paid off.

6009. They say in their last report that they expended £75 17s. 1d. in repairs executed in the year 1886 in the school?—They did nothing of the kind.

6010. Well, it is down in their report?—They must mean that item for drainage on the estate. At any rate, there was no such expenditure in repairs in any one year while I have been at the school.

6011. Have you no control over the expenditure?—No, I have no control whatever.

6012. Rev. Dr. MOLLER.—Do you know how much they spend in repairs?—Yes, it is through me that the money is spent.

6013. Can you ascertain for us how much money was spent on the school buildings during the year ending December 31st, 1886?—Yes, I can.

6014. Do you know was it less than £75?—I cannot exactly remember; but that account puzzles me.

6015. Lord Justice FRANKLIN.—The Commissioners return the school as owing them for the year ending 31st December, 1884, £325 13s., and on the 31st December, 1885, the debt owing to the Commissioners is returned as amounting to £416 8s. 11d. The whole of this great debt, except a sum of £225 odd, was run up in two years?—As to the items referring to salary which occur in the account, I may say, when I came here at first, I was here nine months before I received any salary at all, and then for the first year I got only £300.

6016. Lord Justice FRANKLIN.—Then you have not been paid at the rate of £250 a year?—No, not for the first year, as I have said I only got £300 for that year. I know they refused to bind themselves to pay me any salary whatever, unless they could collect their rents, and I know they had difficulty in getting in the rents in some years.

6017. Lord Justice FRANKLIN.—Has that sum been acknowledged by the Commissioners as a debt due to you?—Well, I told them that I would consider it as a debt due to me, but the Commissioners never gave me any answer.

6018. Dr. TRAILL.—Do you know what year there were no rents?—Yes, I know one year they got no rents whatever.

6019. Did they recover that year's rents?—I cannot say of my own knowledge, but I believe they did not recover it all.

6020. Lord Justice FRANKLIN.—Do you know of anybody in the neighbourhood who would be likely to take an interest in the property and the school if we were to vest it in a local body?—Well, I believe the estate is away in the north side of the country, away from here a number of miles.

6021. The estate is at a place called Lismurra. The former Commission sent to find out something about it. It appears that there are 690 acres in the estate of which about sixty acres are bog. The tenants were described at that time as very poor, and living in wretched houses?—I believe a large part of the debt due from the estate is owing to the action of one tenant, against whom a decree has been got, but who refuses payment.

6022. Do you know who is agent of the property?—I do not know. Mr. Owen was the agent formerly, but he died about two years ago.

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Rev. Mr. Mayne  
in Ban  
Kennedy.

6023. Do any of your boarders come from the county of Tipperary?—Yes, about seven or eight come from that county.

6024. How many of them come from the North of Ireland?—There are four from the county of Monaghan, I think that is all from north of Dublin.

6025. Do none of them come from the county of Cork?—One, only.

6026. Dr. TRAILL.—Where do the rest of the boys come from; you have only accounted for eleven out of your thirty-six boarders? Of the remainder some come from the county Limerick, some from Galway, others from Waterford, Kerry, and Mayo.

6027. Lord Justice NAULT.—Were you engaged in teaching before you came to Clonsilla?—Yes, for some time. I was at Draghda Grammar School for some months.

6028. Lord Justice FITZGERSON.—Where did you take your degree?—I am a graduate of Dublin University.

6029. Is the school in connection with the Department of Science and Art at South Kensington?—No, I have not put the school in connection with South Kensington.

6030. Why have you not established a connection with it?—Because my boys are not of a class to do that; they generally take a liberal and classical education.

6031. Are there no boys in the school learning drawing?—Yes, there are a large number of the boys learning drawing. I have a very good drawing master.

6032. Why not put the school into connection with South Kensington, drawing is one of their subjects?—We could not go into the other—South Kensington subjects—alone so deeply as to make it successful without seriously interfering with their other work.

6033. Rev. Dr. MOLLOY.—What class of people do your boys generally come from?—They are chiefly the sons of country gentry and clergy, that is the boarders.

6034. And the day boys?—The majority are the free boys, and their fathers are principally merchants in Clonsilla.

6035. And do the parents of these boys prefer a classical education to that which could be obtained at a good National school in connection with South Kensington?—Yes, I think every free boy is learning classics.

6036. Their object then is probably to go to a University?—Yes, generally that is the case with them.

6037. Lord Justice NAULT.—Most of the boys come with the intention of afterwards going to Trinity College?—Yes.

6038. Have any of them gone in for the Royal University?—Only one has been thinking of going in for the Royal University.

6039. Rev. Dr. MOLLOY.—You get this report of the Commissioners every year?—Yes.

6040. Have you any idea how that sum of £50 put down in their account as received in 1885 disappears in 1886?—I must confess I cannot understand that report.

6041. Dr. TRAILL.—Do you find the Intermediate course suitable for your school?—Yes; generally.

6042. Do you find the changes of the books from year to year inconvenient?—No, I cannot say that I do.

6043. Do you find the courses too short?—No.

6044. Do you find any difference in that respect between the junior, middle, and senior grades?—We find the junior and middle grade courses suitable enough for our boys, but we never send in a boy in the senior grade, because we find that it interferes with his University prospects.

Dr. TRAILL.—We find that the boys from Coleraine who took exhibitions and prizes at the Intermediate examinations, also took the first places at entrance and also the first exhibitions in Trinity College, Dublin.

6045. Lord Justice FITZGERSON. If you had taken the trouble to look at the results as we have done, you would find that nine-tenths of the boys who distinguish themselves at the Trinity College examinations are the boys who have distinguished themselves at the Intermediate examinations?—Very probably, at the junior or even middle grade Intermediate. Those boys whose parents approve of their going in, and whom the Intermediate courses suit, I accordingly send in for the examinations; but I have known instances where boys have been deliberately kept back for the sake of getting the course to suit them.

6046. Rev. Dr. MOLLOY.—As regards the Intermediate course and preparation for the University, it appears to be an established rule that the boys who do best at the Intermediate do best at the University?—I dare say the cleverest boys would do best at both.

6047. We do notice the boys who fail at the Intermediate coming out with honours at the Royal University.

6048. Lord Justice NAULT.—Are all your boys Protestants?—At present all the boarders belong to the Irish Church. Among the day boys there are two boys either Presbyterians or Methodists, I really do not know to which particular denomination they belong. I had one Roman Catholic day boy quite lately.

6049. Professor DUCHESNE.—Have you any Presbyterian boys?—No, unless the two among the day pupils whose religion I do not know.

6050. Do they come to the religious instruction?—Yes, their father sends them to it; I know he was aware that they attended the religious instruction.

6051. Dr. TRAILL.—Is the religious instruction what the boys come to, in Scripture or Catechism?—Scripture only. I have since heard that these boys are Quakers.

6052. Lord Justice FITZGERSON.—What staff of teachers have you got at the school?—My staff of assistants is four.

6053. What subjects do they teach?—One takes Classics and English, another Mathematics and Natural Science, a third French, German, Drawing and Music, and the fourth takes general junior work.

6054. How many of these are resident?—All four are resident.

6055. How many of these are University men?—None of the masters I have at present are graduates; one is an undergraduate, and another will be I expect in a very short time.

6056. What are the qualifications of your Classical master?—His is a peculiar case; he is a man who was educated at King Edward VI. Grammar School, at Birmingham, and he was recommended very highly to me by his head master, who said if he had gone up to Oxford he would have been one of the most distinguished men of his year, but he could not afford to go, and compelled to take to teaching.

6057. Is he preparing now for the University?—Yes; he is preparing to enter Trinity. My mathematical master was educated at Santry, and has had experience in several schools in England, and he also is preparing to enter Trinity. My present French master is not a graduate, but my late French teacher was a graduate of Marburg. The junior master is an undergraduate of the Royal University.

6058. What salaries do you give them?—On an average I give them £50 a year and residence.

6059. Who engages them?—They are engaged by myself.

6060. Is there anybody connected with the neighbourhood, who takes an active interest in the school?—No; there are several who might be expected to take an interest, and one or two whom I have vainly tried to get to do so.

6061. Do you think it would increase the efficiency of the school if you had a local committee representing the people, for whose benefit the school was intended?—I don't think it would make any difference.

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Kennedy.

6061. Do you know anything about the endowment of the school?—As regards the endowment, I do not know anything except what is given in the printed report of the Commissioners.

6062. Rev. Dr. MONTAGU.—The funds are running down very rapidly?—So I believe. There are funds lying idle in the hands of the Commissioners which we are anxious to have applied to the school.

6063. If they paid their debts they would be unable to spend anything on the school for years.

Witness.—There is a sum to the credit of Ballyroan which might be used here.

Rev. Dr. MONTAGU.—But the people of Ballyroan probably do not want to part with their endowment.

6064. Lord Justice FRYGROUSE.—In the account for the year ending the 31st December, 1883, the Commissioners put down the Clonmel school as owing £178 8s. 1d.—I believe there is some old loan due to the Commissioners of Public Works.

6065. Rev. Dr. MONTAGU.—When you were appointed head master did the Mayor of Clonmel take any part in your appointment?—No.

6066. Do you know was he consulted about the appointment?—Not by me.

6067. Do you know that he is one of the persons in whom the right of appointment is vested?

6068. Dr. TRAILL.—But you should be aware that the Mayor has nothing whatever to do with the appointment since the Municipal Corporations Act?—I believe he is still nominally one of the persons in whom the right of appointment vests.

6069. How do you know that?—I believe he is.

6070. But the Municipal Corporations Act put an end to his having any such right?

Rev. Dr. MONTAGU.—When the other two persons in whom the power of appointment vests agree, they are sure of a majority.

Dr. TRAILL.—But if the third has no legal status there is no use in applying to him.

6071. Dr. TRAILL (to Mr. Kennedy).—How many boarders and day boys did you find at the school when you came?—I found three boarders and seven day boys.

6072. Lord Justice FRYGROUSE.—Now that you know the state of affairs, would it not be best for you to communicate with the people of Clonmel, and get them to arrange a committee formed up from the parents of the boys attending the school, or of persons interested in education, so we have proposed?—I should be very glad to do so.

6073. Rev. Dr. MONTAGU.—Do you happen to know how many freemen of the city of Clonmel are now living?—I have no means of giving you any information about that.

6074. Is there any information available about them?—Is there a list of freemen kept?—I suppose the Town Clerk could give you information about that.

6075. Who is the Town Clerk?—Mr. Clancy is the Town Clerk. I have never seen the list of freemen.

6076. Professor DOUGHERTY.—Do you think that the best possible way of expending this endowment is to maintain a boarding school for boys from all parts

of Ireland, while only some ten or eleven boys from Clonmel take advantage of the school?—One would like that the funds were utilised more by the people of the neighbourhood.

6077. Do you think that a local governing body would not make a better application of the endowment?—I do not know that they would.

6077A. Dr. TRAILL.—I suppose, Mr. Kennedy, that you have plenty of accommodation in your class-rooms for the day boys in addition to the forty boarders?—Yes. By making use of the dining-hall I could accommodate between twenty and thirty day boys.

6077B. Professor DOUGHERTY.—Has there been any complaint as to your rate of fees for day boys?—I have had one or two applications to admit day boys at lower fees.

6078. Which do you prefer to develop, your boarding school or your day school?—Well, I try to develop both; however, I would prefer to develop the boarding school.

6079. Do you find it any disadvantage to have a day school in connection with your boarding school?—No, I cannot say that I do.

£ 80. Is there any difference in regard to social position among the boys attending your school?—There is, and there is not.

6081. But the tendency would be to lower the status of the school if the numbers were increased by lowering the fees?—I think it would.

6082. Dr. TRAILL.—Have the day boys the use of the playground?—Yes.

6083. It is sometimes said that in the management of a school a number of day boys are a drawback?—Yes.

6084. Lord Justice FRYGROUSE.—But do you not think that the day boys were the object of the founder's intention?—I think that the day boys, no matter what their social position, were the original object of the endowment.

6085. Professor DOUGHERTY.—Do you think that ten day boys represent the available school population for a school of this class in Clonmel?—Well, I can only judge by the results.

6086. Lord Justice FRYGROUSE.—But with a Protestant population of 1,500 there must be more than that?—I cannot say.

6087. Dr. TRAILL.—How many free boys do you think you could take with the existing endowment?—I never thought of limiting the number of free day boys at all.

6088. Professor DOUGHERTY.—Your school is practically denominational at present?—What do you mean by that?

6089. Well, connected with the Church?—Yes.

6090. Is there any objection to that on the part of Protestants of other denominations?—No, not that I know of. I had till lately one Roman Catholic boy.

6091. Was he a day boy or boarder?—He was a day boy.

6092. Dr. TRAILL.—Was he a free boy? No, he was not.

Rev. Latham Warren, Rector of Clonmel, sworn.

6093. Lord Justice FRYGROUSE.—How long have you been rector?—Nearly five years; something over four and a half years, I believe.

6094. During that time have you taken any part in the management of the Clonmel Endowed School?—No. I know nothing about its property or management. I did not feel that I had any right to interfere with the management of the school; beyond knowing Mr. Kennedy, the head master, I have no knowledge of the school.

6095. Do you ever visit the school in connexion with the religious instruction, which the head master told us the boys receive?—No, I do not visit the

school. One of my curates goes there once a week; he goes, I think, every Wednesday. The boys come to our church for morning service, but not for evening worship.

6096. Mr. Kennedy tells us that he knows nothing about the management of the estate, and that the school is entirely managed by himself. Do you not think that if some local gentlemen took an interest in the school it would be beneficial for it?—I think it would be an advantage to the head master.

6097. Dr. TRAILL.—Are you aware that the endowment is "for the sons of the Protestant Freemen of Clonmel"?—I am aware of that.

Rev. Latham  
Warren.

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Rev. Lathua  
Warren.

6108. Lord Justice Fitzgerald.—What is the Church population of Clonmel?—The Church population, not including the military, is about 570.

6109. Do you know what are the numbers of the other Protestant denominations?—As regards the dissenting bodies I do not know their exact numbers. There is a congregation of Presbyterians, one of Methodists; both of them are small, I believe, but still they have established places of worship.

6110. Professor DOUGHERTY.—Is the Society of Friends not a numerous body in Clonmel?—Yes, they are a strong body in this town; they have an established meeting-house; but they were a very much stronger body than they are now. There is a substantial Protestant population in the place, it might be something about 1,000. There is a congregation of Plymouth Brethren.

6101. Where is this Protestant population getting its education?—I know that many of them attend the Model school. My courses go there every Friday for religious instruction.

6102. Rev. Dr. MOLLAY.—The children are chiefly Protestant at the Model schools?—Yes. We have about 100 Protestant children at the Model schools.

6103. Lord Justice Fitzgerald.—Are any of their children of a class to get a higher education, something better than a National School education?—If it were available for them I should say there are some such children at the Model school.

6104. Dr. TRAILL.—The principal teacher of your school told us that he lost the majority of his children when they got to the age of fourteen; they then went to the Model school?—Yes, I think that is the case.

6105. Rev. Dr. MOLLAY.—Your school then is the preparatory school, and the Model school the finishing school for the Protestants of Clonmel?—Yes. I do not think we have many children over fourteen, because they then go to the Model school.

6106. Dr. TRAILL.—Then if the Model school were done away with, you would have no kind of a proper school for the Protestants of Clonmel?—No, I do not think we would.

6107. Do you know if the Earl of Mountcashel has any connection with Clonmel?—I do not know anything of that.

6108. Has the Marquis of Ormonde any connection

at present with the town?—I do not think so. I do not think they have any property here.

6109. Rev. Dr. MOLLAY.—Then, of the three persons who have the right of appointment of the head master, the Mayor of Clonmel is the only one who is connected with the town, and he is just the only one who never gets any share in the appointment?—I cannot say.

6110. Dr. TRAILL.—But you are aware that the Mayor of Clonmel has no right, since the passing of the Municipal Corporations Act, to take any part in the appointment of the head master?—Is that so?

6111. Lord Justice Fitzgerald.—It is our duty to try and put the school and property under proper supervision. Can you not find us fit materials for this purpose?—I have never thought of the question at all; it is a difficult question to answer at once. Nine years ago there was a good enough interest taken in the school.

6112. Who is the present holder of the Ormond property?—Mr. Bagwell's predecessor purchased the property, but he is away in England at present.

6113. Dr. TRAILL.—Are there any resident gentry who would take an interest in the school?—There are, I think.

6114. Could you not get a body similar to that which they have got at Monaghan?—I am sure we could. It is a question, however, I never thought of.

6115. Professor DOUGHERTY.—Do the members of the Society of Friends take an interest in education?—Yes, I think they do. I am sure if we thought of it we could find a very efficient committee of management.

6116. Lord Justice Fitzgerald.—At Monaghan they held a meeting to which all religious denominations were invited, but, as a matter of fact, only the Protestants attended. They then formed a committee and worked up their school to a successful and efficient state. When we went there we found things in a satisfactory condition that we placed the school entirely in the hands of the local Board. It has been proposed to follow the same course here, and from what we found in 1878 and 1879, I expected that some of the people here would do this?—Well, I believe Mr. Bagwell would take an interest in the matter if it were brought before him.

Gerald Fitzgerald, Esq., Sub-Sheriff for the County of Tipperary, sworn.

Gerald  
Fitzgerald,  
esq.

6116A. Lord Justice Fitzgerald.—How long are you sub-sheriff of the county?—Since the beginning of 1887.

6117. Do you know anything about this school?—I went to it; I was a former pupil of the school.

6118. How long is that ago?—I was there about the year 1838, I think.

6119. How many pupils were there at the school?—There were about twenty boarders, and about, I suppose, forty day boys.

6120. What denominations were they?—The day boys were of all denominations.

6121. At that time was it the only Intermediate school in the town?—It was the only school of that class in the town then.

6122. Professor DOUGHERTY.—Who was the head master then?—The Rev. Dr. Bell, he was the father of the late Archbishop Bell, of Waterford and of Tipperary, who himself taught in the school.

6123A. Who was the successor of Dr. Bell?—Well after that period the school fell into abeyance for a time; there were two or three masters, if I remember right, and then it came into the hands of the Rev. Thomas Ketchell, (Y) He was a clever man and an

excellent teacher, but he got into difficulties. Then Mr. Hutchinson came as master, and the school rose again. I send my son to the school as a pupil, and he is a freeman Mr. Hutchinson would not take my fee from me for my son when I wanted to pay for him. Then the school fell away again before Mr. Hutchinson left.

6123. Do you know anything about the freemen of Clonmel?—There is a great number of freemen Catholics and Quakers and Presbyterians; but at the time to which I refer it was a great benefit being a freeman, for then Clonmel was a Parliamentary borough. Now that is all swept away, and Clonmel being merged into the county, the freeman's vote is entirely lost.

6124. Did the freemen belong to various Protestant denominations?—All denominations of Protestants were freemen.

6125. I am speaking of the Protestant freemen for the benefit of whose children this school was intended, did they all belong to one denomination?—No, there were freemen of all denominations; there were Catholic freemen as well as Protestant.

6126. Lord Justice NAPIER.—Then there was no

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Oswell  
Fitzgerald,  
sq.

restriction as to what denomination the freemen were to belong?—There was no restriction as to the religion to which a freeman should belong.

6127. Professor DOUGHERTY.—Then the school was never strictly denominational?—No, I remember boys of all creeds at it.

6128. Lord Justice FITZGERALD.—How did they obtain admission to the freemen's roll of the city?—A man was admitted a freeman by servitude, that is by serving his apprenticeship to some trade, or by being the son or grandson of a freeman, or by marriage.

6129. Lord Justice NAULT.—Are there many admissions now to the freemen's roll?—Since the borough has ceased to be a Parliamentary one, there is not the same interest taken in getting made a freeman. I know there were some admitted some time ago, but prior to the change in the representation, before every Parliamentary election for the borough, a list of the freemen was published, and those whose names were on the list, and were within a seven mile radius of the town were entitled to vote, but without that radius they could not vote.

6130. Then the only advantage in being a freeman now is in one's children being admitted to this school?—Yes, that is all.

6131. Lord Justice FITZGERALD.—Do you know the whole belonging to the school?—Well, I do not know it very accurately.

6132. Have you ever been on it?—Yes.

6133. Do you know anything about its present condition?—I am afraid that the rents are not paid like the rents in a great many other places.

6134. To what do you attribute that?—Well, that would require a long answer.

6135. Do you believe the absence of any local person interested in the estate has anything to do with it?—Well, you see the estate is a good way from here.

6136. Who is the agent for the property?—I believe the agent is Mr. Frank.

6137. Where does he live?—He lives near Castlebar, Monaghan, his place is within eight or ten miles of the property.

6138. Do you think if the people of Clonmel were interested in the property they would be likely to manage it better?—I think not. The estate is over forty miles from here.

6139. But they would have a personal interest in its management?—Yes, but the distance of the estate from the school is an inconvenience.

6140. Do you know is there much rent due from the tenants?—I have reason to know that very large sums of money are due on the estate from one or two tenants especially.

6141. There seem to be some very large holdings on the estate?—I know that one of the principal tenants has had no stock or means of his own, and he has begun to take in "grass," and there are not available in execution for the rent due by him.

6142. As regards the school and its management, can you suggest any one who would take a practical interest in it?—Mr. Baywell, I believe, would be the best. He is the representative of the Ormrod estate, and is a very large proprietor; and he would, I am sure, take an active interest in it. He is besides a man of education, well read and clever, and he takes an active interest in every thing local.

6143. I suppose he has some practical experience in the management of estates?—Yes. He lives within two or three miles of the town, and there would be no great difficulty in him taking an active share in the management.

6144. Do you know if he is a freeman of the city?—Well, I cannot say whether or not. Not having seen the list of freemen I would not be certain, but I think he is a freeman.

6145. Professor DOUGHERTY.—Are there any professional or business men in the town who are freemen, and who would serve on a local committee of management?—If I saw the list of freemen I could point out to you at once whether they were or not.

6146. Lord Justice NAULT.—Were any of the Quakers freemen?—Oh, yes; the Malvernians and the Grubbs, and several others, were freemen.

6147. Dr. TRAILL.—The Quakers have a school of their own at Waterford?—I believe so.

6148. Lord Justice FITZGERALD.—How far are Portlaw and Cash from Clonmel?—A short distance, about eight or nine miles.

6149. Could not boys come from those places to the school?—Yes, the boys could come by train.

6150. What is the population of Clonmel?—About 2,600, I think.

# CLONMEL (ST. MARY'S) INCORPORATED SOCIETY'S SCHOOL AND CLONMEL CHARITABLE SCHOOL.

Rev. Latham Warren examined.

Rev. Latham  
Warren.

6151. Lord Justice FITZGERALD.—The first school is St. Mary's or the Incorporated Society's School?—The Incorporated Society's School does not exist at all. It ceased to exist before I came here. It was only a boys' school. Some time ago it was in the hands of the Incorporated Society, but there was a dispute in their lease, that if they at any time ceased to have a school there, then, that after three months lapse of the school being carried on, the building should go to the parish. For many years before I came here they had no school at all, and then the whole thing collapsed, so that now the Incorporated Society have no lease stand at all.

6152. Is the school that belonged to the Incorporated Society occupied at present as a parish school?—The buildings are at the rear of the present school premises.

6153. I see John Baywell granted it to the Representative Church Body at the yearly rent of a peppercorn. Have you got the whole of these premises under this grant?—Yes.

6154. The first endowment that I see upon the list is Anne Cook, £50; then Robert Grubb, £2 15s. 4d., and, and £150 Government Stock; Ladyman's

bequest, £5 Irish, and £5 fr. interest on a bond?—Well, I have never heard of that Grubb bequest which you read out. We are receiving the other endowments, Ladyman's, Cooke's, and Pomeroy's. Pomeroy's is a grant of £7 7s. 8d., for the apprenticing of boys, we have given that towards the apprenticing fund.

6155. Then you have an apprenticing fund in the parish?—Yes.

6156. How much are you in receipt of at present?—We are in receipt of £5 left by Dr. Ladyman, for the apprenticing and schooling of boys, and £3 for the poor from the same donor.

6157. To whom is that paid?—It is paid to the ministers and churchwardens by the Corporation annually.

6158. How is it that the Corporation come to pay it?—They borrowed money, I think.

6159. Then it is secured on mortgage?—I do not know; I do not know anything of the particulars of the mortgages, all I know is that the money is paid by them since I came here.

6160. Who has Pomeroy's bequest?—That also is paid by the Corporation.

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—  
Rev. John  
Warren.

6160. Have you any other apprenticing funds?—We had others, but I did not bring particulars of them. I think we had better give you a list of them.

6161. Dr. TRAILL.—Who pays Anne Cook's money?—That is a sum of £5 for a school already established; that is paid out of a capital sum that was lost and recovered. It is now in Chancery.

6162. Lord Justice FRYGINTON.—You say you know nothing about Grubb's bequest?—I never heard of the Grubb's property until your lordship read it out to me.

6163. Do you still receive any endowment from the Incorporated Society?—None whatever.

6164. There was an endowment of £15 per cent on a lease—is that still paid to you?—I do not know anything of it.

6165. What is the number of children attending the school?—There are from sixty to seventy on the roll, and the average attendance is about forty-six.

6166. Is it a mixed school?—Yes.

6167. I think you told me the children leave you and go to the Model School about the age of thirteen?—Yes, they leave for the Model School about the ages of thirteen and fourteen.

6168. Do both the boys and girls go?—Yes.

6169. Rev. Dr. MOLLER.—Then it is practically a preparatory school for the Model School?—Well, yes.

6170. Do many of the young children go to the Model School without coming to your school at all?—Yes, some of the young children do.

6171. Lord Justice FRYGINTON.—How long have you been in connection with the National Board?—I think between two and three years.

6172. Is your teacher closed?—Yes, the teacher is second class.

6173. Have you any assistants?—We pay an assistant ourselves, as we do not come up to the average for the assistant to be paid by the National Board.

6174. What salary do you give the assistant?—£15 a year.

6175. How do you get the money to pay the

assistant?—We get annual subscriptions to the amount of £23, and then we have collections at the church, which bring in about another £4.

6176. You are aware that the old corporation of minister and churchwardens no longer exists as a corporate body. If we made a body to hold this property for you, how do you think it ought to be formed?—Well, that is a question that would require some consideration before I could answer it. The thing has worked so well and so satisfactory that I have never thought of making an alteration in the management of the funds. We have always consulted the Select Vestry in these matters. It was through the action of the Select Vestry, and with their approval and co-operation, that the school was put in connection with the National Board.

6177. Do the Select Vestry take an active interest in the school?—They do; the school committee is appointed by the Select Vestry.

6178. Dr. TRAILL.—Has that been since the school was put under the National Board?—Yes. We had barely thirty one of an average, just what would get us under the National Board two or three years ago, and now we have raised the school until the average attendance is up to forty-six.

6179. Would it benefit your school much if the Model School were closed?—Yes, our school would be much larger.

6180. But I suppose you have no desire to close the Model School in order to increase the attendance at yours?—No, I have not any such wish. When I got the school it had no appliances and was in a very wretched condition, it is now, I am happy to say, in a prosperous condition.

Lord Justice FRYGINTON.—The only thing would be to give a legal status to the management you have at present. What we shall ask you to do is to make out a list of all the property you are in receipt of, including all apprenticeship funds. These should be vested in the same body as the school.

6181. Lord Justice STAMM.—What is the name of the school at Waterford to which you pay £25 a year?—"The Friends' Provincial School," at Waterford.

#### Gerald Fitzgerald re-examined.

Gerald  
Fitzgerald.

6182. With regard to the freeman's roll, I see that there is a separate list for the Quakers, and in connection with this list I may say that there are six names on it, and five of these are alive. On the other list you give us any idea of the per-

sons?—I see there are some recent admissions in the year 1884. There are about thirty-seven living. I would be inclined to think that this is a list of those living within a circle of seven miles.

#### ROCKWELL COLLEGE, CAHIR.

Rev. Praeger Geoghegan sworn.

Rev. Praeger  
Geoghegan.

6183. Lord Justice FRYGINTON.—What distance is Rockwell College from Clonmel?—It is ten miles from Clonmel, three from Cashel, and five from Cahire, our post town is Cashel.

6184. How long have you been connected with the institution?—Over twenty years.

6185. You are not an Englishman?—No, I was born in the province of Alaska; I have been head of the college for the last seven years.

6186. What number of pupils have you at Rockwell?—Ninety.

6187. How many of these are day boys and boarders?—Sixteen day boys, fifty-seven boarders, and seven or eight ecclesiastical students who are boarders also.

6188. What is the name of your order?—It is known as the Order of the "Fathers of the Holy Christ."

6189. Then it is the same order as that of Blackrock?—Yes, they are the only two houses in Ireland.

6190. How long has the order been in Ireland?—

Since 1859; Rockwell College was founded in 1858, and Blackrock in 1859.

6191. Were they originally founded as Intermediate schools?—The original intention was to make them Intermediate schools. They are since that date both Intermediate Colleges.

6192. Do you teach classics?—Yes.

6193. What is your course of study?—It embraces Greek and Latin classics, the English, French, German, Italian, and Irish languages, mathematics, and science, music, drawing; anything that is to be taught in the course for the Intermediate.

6194. How far do you go in mathematics?—Arithmetic, the six books of Euclid, algebra, trigonometry, and mechanics.

6195. In the senior, middle, and junior grades how many boys did you send up for the Intermediate this year?—Thirty-five.

6196. I believe your school has been extremely successful?—This year we sent in thirty-five boys, of whom

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Rev. Frederic Gough.

twenty-six were successful. In the senior grade we sent in only four candidates, and the four retained exhibitions; two of them of £25 each, and two others of £15 each; and two of the boys got book prizes. Then we had honors in seventeen subjects besides many passes. In the middle grade we had seven successful candidates. One obtained the gold medal for modern languages, three retained exhibitions each of the value of £15, and three other prizes were obtained. Then there were honors in seventeen subjects besides many passes. In the junior grade, my lord, we had fifteen successful candidates, the gold medal for modern languages, and four exhibitions obtained, two of £20 each, and two of £15 each. Then we had four prizes, and sixty-four honors besides many passes. The summary for the year 1887 is as follows:—With 55 candidates, Rockwell secured:—In the senior grade, 4 exhibitions retained, two prizes, 17 honors, besides many passes. In the middle grade, 3 exhibitions retained, the gold medal for modern languages, three prizes, 17 honors, besides many passes. In the junior grade, 4 exhibitions obtained, 4 prizes, 64 honors, besides many passes. In modern languages, my lord, out of the three gold medals obtainable at the Intermediate Examinations, Rockwell won two, one in the middle, and one in the junior grade. The Irish Times said:—"In modern languages, Rockwell College, Cashel, maintains its old supremacy. The gold medal in the middle grade being awarded to Thomas O'Brien, and that in the junior grade to John Aker, both students of that college."

6117. Dr. TRAILL.—What department have you charge of?—I have charge of the Greek and of the French departments.

6118. Lord Justice FITZGERALD.—How many of you are engaged in teaching?—Six Fathers, four assistants, who are not yet priests, and one Brother; in all eleven.

6119. Have you any extra professors?—No, we have no extra professors. They all belong to the order. There are four who are not Fathers. They are preparing to be so, but have not yet finished.

6120. How many are there altogether?—There are eleven of our order at the college.

6121. Dr. TRAILL.—Where do your fifty-seven boarders come from?—From every county of Ireland, but mostly from the counties around Kippurey.

6122. To what professions do your boys generally go?—Many of them to the medical profession, some to the law, others to the ecclesiastical state.

6123. What medical schools do they go to?—Some go to Cork and some to Dublin.

6124. Are your boarding pupils all from the South of Ireland?—No, we have some from Belfast and some from Dublin, but they are mostly from the South of Ireland.

6125. Lord Justice FITZGERALD.—What fees do you charge for day boys and boarders, respectively?—We charge thirty guineas a year for boarders.

6126. Are they all charged the same?—Yes, but we make some reduction in case of brothers.

6127. Have you any free pupils?—We have no free pupils.

6128. Dr. TRAILL.—What are your fees for day boys?—We charge £5 a year for day boys.

6129. Lord Justice FITZGERALD.—How many day boys have you?—About seventeen. They are all from the neighbourhood of Rockwell.

6130. Lord Justice FITZGERALD.—What land have you got at the college?—About 300 acres, all in our own hands.

6131. Who are the trustees?—There are three trustees. They are members of the order.

6132. How did this land come into your possession?—It was formerly given to the Scotch Bishops by a Mr. Charles Thibault with an obligation on the order to educate twelve students for ever. Later on the Scotch Bishops sold their right to our order for £7,000, and relieved it from the obligation of educating students for the Scotch Mission.

6133. Rev. Dr. MOLLOY.—Then you had to pay for the endowment that Mr. Thibault gave to the

Scotch bishops?—Yes, and that endowment has left us altogether and has gone to Scotland to the bishops.

6134. Lord Justice FITZGERALD.—Had Mr. Thibault any connection with Scotland?—Yes, he was a French merchant who made a fortune in Dundee.

6135. Why then did he give the money over here?—He bought 2,000 acres near Cashel and left part as an endowment to the Scotch bishops.

6136. Rev. Dr. MOLLOY.—What did you get for the £7,000 you gave to the Scotch bishops?—We got the entire possession of Rockwell. At the time we bought it, Cardinal Manning was the arbitrator, and the value put upon the place at that time was £13,000, and then we had to pay £7,000 to the Scotch bishops for their share, and besides there was a farmer in the place, and in order to make him leave his place, we had to give him £300 as compensation. Besides there were £500 law expenses, so that we paid the sum of £8,000.

6137. Dr. TRAILL.—How did you get it for £7,000 if the arbitrator assessed the place at £13,000?—We had been building on the place for years: the arbitrator assessed the Scotch bishops' share at sixty per cent., and we had about forty per cent., we had to pay them £7,000, and other expenses brought it up to £8,000.

6138. Lord Justice FITZGERALD.—What were your total successes in the Intermediate this year?—For this year in all we have 108 honors, which include high honors in Greek, Latin, English, French, German, Italian, Celtic, Arithmetic, Euclid, Algebra, Natural Philosophy. In all these subjects within the last nine years, Rockwell College has presented 414 candidates, of whom 364 were successful. This we consider a high average; and there were gained by these candidates thirty-six exhibitions, eleven gold medals, thirteen silver medals, ninety-six prizes, and 223 passes.

6139. How are the affairs of the college managed?—It is by a committee.—They are managed by the superior with his council.

6140. How many of the order constitute the council?—Four members of the order constitute the council.

6141. Dr. TRAILL.—Is your order a teaching one?—It is a teaching order in Europe, and a missionary order in Africa. It is a teaching and missionary order in America. We have different colleges in America, Trinidad, Martinique, etc.

6142. Where do you get all your money?—From various sources which I need not answer.

6143. Lord Justice FITZGERALD.—What amount of money have you got from the Intermediate as result fees?—We got £135 last year.

6144. Have you any idea of the money prizes obtained by the students as against your £135 of result fees?—We had four exhibitions retained, that was £70; two in the middle grade, and we had nine prizes about £5 each, and there are four exhibitions, two of £10, and two of £15; in all about £350.

6145. Do these exhibitions enable the pupils who got them to pay their fees?—I may say that is the way they pay their fees.

6146. Do you find the expenses of the Intermediate are balanced by the result fees?—I would rather there was no Intermediate at all, because the books cost more than the result fees. I think it is no benefit to the Intermediate schools as regards money. We have a college in Trinidad, where besides the result fees for their pupils, they have a grant of £1,000 from the State, and the State gives £1,000 a year more to the Royal College.

6147. Dr. TRAILL.—Where is that?—In Trinidad, where the Intermediate system was first established.

6148. Rev. Dr. MOLLOY.—Do you spend £160 a year on books?—Well, not every year; we supply the boys with books of the different classes.

6149. You say the whole of the result fees of last year would scarcely balance the expenditure on books; do the books become the property of the college?—

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Rev. Father  
Geary.

Yes, but there are a number of books, such as grammars and dictionaries, which it is not necessary to purchase anew every year.

6230. Dr. TRAILL.—Then taking one year with another would the result be not counterbalance the expenditure on books?—Yes, but it takes £40 or £50 every year for fresh text books.

6231. Rev. Dr. MONTAG.—Then you would have a large collection of books in the college at the end of eight or ten years?—Yes, we have a very large stock of books, and we are constantly adding to them, there are so many text books coming out every year, and we have to purchase them for the boys.

6232. Dr. TRAILL.—Do you find it possible to cram the boys for the Intermediate examinations?—No, we teach the boys grammar well, and we have a special cramming for the examination.

6233. Then you find the boys work well enough?—Yes, as a rule the boys work well.

6234. Lord Justice FitzGibbon.—If any endowment were available for Intermediate Education, to what purpose do you think it would be best applied?—Well, to help the establishment to live. I think any establishment that worked well should have an endowment, and I think that if an endowment were given according to results, Rockwell would have a claim to an endowment as well as any college in the North of Ireland. It was at the head of the list one year in the Intermediate. In 1884 Rockwell carried off one-fifth of all the medals given, and more than double as many as any other college. Taking exhibitions and medals alone into account, Rockwell was first of all Ireland, with a lot of thirteens. The next highest college having only seventeen.

6235. What year was that in?—That was in the year 1884.

6236. Rev. Dr. MONTAG.—Comparing Rockwell with the other Intermediate schools in Munster, does it stand first?—I think this year Fermoy stands first. They have more pupils than we have, but I don't know about the Sacred Heart College at Liswick.

6237. Dr. TRAILL.—What about the Christian Brothers at Cork?—The Christian Brothers of Cork are a most successful school. They have a very large number of pupils, but they are not a college.

6238. Rev. Dr. MONTAG.—Then judging by the results of the Intermediate, the four highest schools in Munster are, 1st, Christian Brothers, Cork; 2nd, St. Columba's College, Fermoy; 3rd, Rockwell College, Cashel; 4th, Sacred Heart College, Liswick?—Yes, I think so.

6239. No other school in Munster has been so successful as these at the Intermediate Examinations,

and yet not one of the four has any endowment from the State?—I know Rockwell has none; I don't know about the others.

6240. Lord Justice FitzGibbon.—Do you find the Intermediate Examinations a fair test of a boy's knowledge?—I think, my lord, that a boy who has passed through the three grades with success, must be a good scholar.

6241. Dr. TRAILL.—Do you think the Intermediate Examinations have tended to make the boys more accurate scholars?—I think the boys are better scholars since the Intermediate. They certainly now read a shorter course of literature than they did before, but then, formerly, they did not study it so well as they do now.

6242. Lord Justice FitzGibbon.—Which do you think the better course, to read over a great number of authors, or to study a smaller course carefully?—I would rather know well what I do know, than have read much and know little.

6243. Then according to your experience the Intermediate Examinations have tended to promote sound scholarship, that is for those who go through the three grades?—Yes, certainly.

6244. Dr. TRAILL.—Is your school open to all denominations?—No, only to Catholics.

6245. Did you sign a document which you received from the Intermediate Education Board relative to boys abstaining themselves from the religious instruction, a Conscience Clause, in fact?—Oh, yes, my Protestant might sign that document.

6246. Then you do not interpret it that a Protestant might go into your school, and get an education if he wanted it, and absent himself at the hour devoted to religious instruction?—I do not think it applies, as there are none but Catholics attending the school.

6247. Rev. Dr. MONTAG.—Are there any endowments in Munster that you know of, which might be made available for your school?—I think the endowments ought to come from the Government itself. They have plenty of money.

6248. Does it occur to you at all, that the schools which have been most successful in passing pupils for the Intermediate and other examinations in Munster, are those schools that have no endowments?—It appears very strange indeed. I think if they had endowments they would do a great deal better.

Dr. TRAILL.—We find Protestant schools without any endowment very successful also.

6249. Lord Justice MANN.—But you think a small endowment would do you no harm?—Certainly not.

# CHRISTIAN BROTHERS' SCHOOLS (ST. PETER'S AND ST. PAUL'S, CLONMEL).

Rev. Brother Patrick J. White sworn.

Rev. Brother  
Patrick J.  
White

6250. Lord Justice FitzGibbon.—You are a Christian Brother of the Clerical community?—Yes, I am a Christian Brother teaching in the larger school.

6251. What buildings have you got?—We have two different sets of buildings.

6252. How many schools have you in them?—In the large building, four rooms and a lecture room.

6253. How many brothers have you in the community?—There are six brothers here, and there are three in the other community in Irish town. I should have said, one of the brothers in the larger school is a lay brother.

6254. Then there are five engaged in teaching?—Yes.

6255. How many boys have you attending your upper school?—There are 480 on the roll, and we had 435 in attendance this week.

6256. How many boys have you attending the other

school, the smaller one?—There are 217 on the roll, and 171 in attendance.

6257. That is, in round numbers, in both schools, you have about 700 on the roll, and about 600 in average attendance?—Yes, roughly, I think, those are about the numbers.

6258. How high do you go in the way of instruction?—Well, our course includes everything that is suited for passes in the Intermediate.

6259. For what grade do you send them in?—We send them in as high as the senior grade.

6260. Do you teach Latin?—We have about eight at present learning Latin for the primary course.

6261. Do you teach any Greek?—We have only two at present at it.

6262. Who teaches it?—A brother teaches it. I have a brother with me in this Intermediate school who has taken out a certificate from the South Kew-

sington Department; and he looks after these things. I look after the arithmetic and geometry.

6262. Dr. TRAILL.—Is it the brother who teaches science that also teaches classics?—Yes; it is the brother who has the South Kensington certificate, who looks after the languages.

6263. Lord Justice FRYGROVE.—For what branches are you in connection with South Kensington?—Mathematics, theoretical mechanics, sound, light, and heat, inorganic chemistry, geometrical drawing and freestone. In the first grade, drawing, we passed last year 131; second grade, freestone, two; geometrical drawing, ten; inorganic chemistry, eight; sound light and heat, three; theoretical mechanics, three; mathematics, eleven.

6264. What are your intermediate results for last year?—We had fourteen passes (thirteen in junior grade, one in the middle), and two prizes. In 1864, we had three additions; in 1865, three also; and in 1866, one. In 1865, we had three prizes, we had also three in 1865, one in 1864, three in 1863, two in 1862, and two in the present year. Our passes for the last seven years have been, five in 1861, eighteen in 1862, thirty in 1863, twenty-nine in 1864, thirty in 1865, twenty-five in 1866, fourteen in 1867.

6265. I suppose those boys whom you commend in your return as holding exhibitions retained them for some time?—One of them retained his exhibition for three years, two others retained them for two years.

6266. Lord Justice STAM.—I observe great fluctuations in the number of passes, to what do you attribute it?—The fluctuation in the number of passes this year, I attribute to the fact, that about four weeks before the examinations, our boys were drawn away by the military, a good many of them being drummers or bagpipers in the bands of the militia regiments.

6267. Where were they taken to?—They were drawn away to Cunden Fort, and were kept there during a good part of the season, and then when they came back, they were ill prepared to go in for an examination. They just came back on the day of the examination.

6268. How many of the boys are connected with a militia regiment of that description?—I think there were five or six with the regiment last year, besides that, there are a good many of our grown boys passed away. Then others become over age, and so on, and it fell to the lot of the juniors to take up the course. Then the arithmetic and geometry was very difficult this year, and many of the little fellows were unable to grapple with the papers on these subjects.

6269. They were not fair papers then?—No, they were not, sir, that is acknowledged by all.

6270. You mean the papers for the junior grade?—Yes.

6271. Lord Justice FRYGROVE.—As you do not prepare them in many languages, this told heavily on your results?—Yes. I am not like the colleges, which are able to prepare their pupils in modern languages, and can take their passes in these subjects. Our juniors depend upon their arithmetic and geometry, and English, and if these subjects are too difficult it tells heavily on the results.

6272. I find in the report that there are certain endowments belonging to your school?—Yes.

6273. Who are the trustees for the school?—There are several trustees. The Roman Catholic Bishop of Worcester and Worcester for the time being, the Superior General of the Christian Brothers for the time being, and three Brothers named. The schools are held subject to a rent of £10 per annum.

6274. What is Lawlor's Endowment?—It was left in 1853 by a Mr. Lawlor. He bequeathed a profit rent arising out of houses, amounting to £37 10s. per annum, half for the support of the community, and half for breakfast and clothing for the poor. All the houses, except three, run out of lease in 1870.

6275. Have they been re-let since?—They are now

in Mr. Grubb's hands as head landlord. They were taken from us in 1870. I have still three houses left, and if you please to turn over this document (here the witness handed up a document to the court), you will see how my accounts are with regard to the three houses that I hold. The first account is that of Mr. Landy's. He holds at a rent of £18 per year, payable half yearly. He has paid £7 out of £37 due, leaving a balance of £30 owing. That, I think, you will not consider profitable. The other account is Mr. Cooney's. He holds at a similar rent, and out of £45 due he has made three payments, leaving a balance owing of £34 18s. 8d.

6276. Then all you have got out of the first premises is £7 10s.—Yes, that is all.

6277. What is the position of the third house?—It is held in the main street by Mr. Mahony. He is the head landlord, we are the middle landlords, and he is the tenant. He gives us 26 a year except what he deducts for income tax and poor rates. This is all we have out of the £37 10s. a year bequeathed to us by Mr. Lawlor.

6278. Dr. TRAILL.—Have you any lease of Mahony's premises?—We have no lease against him. Mr. Tyld is the agent to whom I pay the rent.

6279. Lord Justice FRYGROVE.—The next endowment is Blane's Bequest. In whose name is that invested?—I do not know. Mr. Blane's by his will invested £140 15s. 4d. in such a way as to produce 25 annually as his subscription for the Brother's support. He had been in the habit of giving them 25 every year.

6280. Who pays you this money?—I know that Mr. Maxwell has the power of attorney for drawing the interest.

6281. The next is Dr. Burke's Bequest?—Yes. He was the late parish priest. He bequeathed £1,100. Half was to be invested for support of the Brothers, and the other half for breakfast and clothing for the poor boys. It gives an annual income of £30 a year for each.

6282. What are the names of the trustees for that fund?—That is in the name of Dr. Power, Rev. O. J. Flavin, Dr. Crean, and Mr. W. Ryan, the solicitor, Mr. M. Ryan.

6283. How is it invested?—It is invested in the National Bank.

6284. Dr. TRAILL.—Is it on deposit?—I do not know exactly what it is in.

6285. Lord Justice FRYGROVE.—It must be in National Bank shares. The next is James Barron's Bequest?—Yes. That is National Bank shares producing £27, to be divided in the same manner as Dr. Burke's Bequest.

6286. Then that gives you altogether £48 10s. for the support of the community, and £45 10s. for the poor boys?—Yes.

6287. I see your receipts are £78 and your expenditure, £23. Does this £55 arise from school fees?—Yes, it is the receipts for 1866.

6288. I see on item, £80 for philosophical instruments?—Yes, that arose in this way; when we connected ourselves with the South Kensington Department we were obliged to pay a good deal for appliances to carry out their system, otherwise we would not get their grant. They gave as much towards the grant as we contributed ourselves.

6289. How much do you pay to your pupil teachers?—We are paying our pupil teachers sixteen shillings a week.

6290. Dr. TRAILL.—Did you pay the whole of this £80 for philosophical instruments yourself?—Yes. I think so.

6291. Lord Justice FRYGROVE.—Do you know anything about St. Francis' Academy? Is that a private school?—That is not now in existence at all. It is a closed-up establishment.

6292. Rev. Dr. MALCOLM.—Is the school there?—Yes, there is a house.

6293. By whom is it tenanted?—I do not know.

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Rev. Brother Patrick J. White.

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Rev. Mr. Butler  
Patrick J.  
White.

6234. Lord Justice Fitzgerald.—How much a year were you able to get in result fees, one year with another?—I know we got almost £50 this year: we have not been paid it yet, but that is the amount we are entitled to from the number of pupils.

6235. I believe that the difficulty about the use of your own books and certain emblems is the only matter that prevents you from going under the National Board?—Well, we generally leave matters of that kind to the decision of our Superior and his acting committee.

6236. Then these matters can be brought before him?—Yes, and when all questions of this kind arise he generally calls a Chapter of the Order, and of course I would be bound by whatever decision the Chapter came to, and would obey what they ordained in the matter.

6237. Dr. Traill.—The use of certain religious emblems in your schools is one of the great difficulties which prevents your schools coming in under the National Board?—Yes, I believe that is the case.

6238. Supposing that you were under the National Board, can you form any idea of how much you would be entitled to from their grants?—I think we would be entitled to about 12s. 6d. a head for our pupils.

6239. If you had an endowment to what use would you apply it?—Well, if we had more money we could have more teachers, and more appliances for the education of the children.

6240. Lord Justice Fitzgerald.—You have got a quantity of property in trust for the schools, some of it in the hands of one set of trustees, and some in the hands of another. It is very necessary for you to watch this property and prevent it becoming derelict, which in the present position it is very apt to do. The only thing we could do for you is to incorporate your present trustees, and this would save you all legal expense and an immensity of trouble in the future. We would be quite willing to incorporate such a body for you, a body who could hold all the trust funds.

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## PUBLIC SITTING, THURSDAY, OCTOBER, 27 1887.

At the Courthouse, Waterford.

Present:—The Right Hon. Lord Justice FITZGERALD, and the Right Hon. Lord Justice NAIRN, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., D.Sc., ANTHONY TRAILL, Esq., LL.D., M.D., F.T.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, JUNR., was in attendance.

Lord Justice Fitzgerald made an introductory statement.

## BISHOP FOY'S CHARITY.

6301. The Right Rev. Dr. Day.—With respect to Bishop Foy's Charity, we formulated a scheme and sent it in to the Commission. But, with regard to that scheme, I wish to state that it was accompanied with a condition that we should be entirely exempt from your jurisdiction. We only sent in that scheme in case you should decide against us in our claim for exemption from the operation of the Act.

6302. Lord Justice Fitzgerald.—But we must first ascertain the original terms of the foundation and the present position of the charity, whether it is or is not within our jurisdiction. If the charity is within our jurisdiction we must exercise our power with a due regard to the intentions of the original founder. Possibly we had better take the will and ascertain what the foundation is.

The Right Rev. Dr. Day, Lord Bishop of Cashed, Emly, Waterford, and Lismore, sworn.

The Right  
Rev. Dr. Day.

6303. Lord Justice Fitzgerald.—How long have you been Bishop of Cashed and Waterford?—I have been Bishop of Cashed for over fifteen years.

6304. You are one of the governors of Bishop Foy's Charity, I believe?—Yes, I am one of the governors.

6305. The charity was originally founded by the will of Nathaniel Foy, Bishop of Waterford and Lismore?—Yes, the charity was founded under his will, and I believe the date of the will is December 26, 1797.

6306. I believe after this will there was an Act of Parliament, one of the reign of George III.?—Yes, there was.

6307. Then I see there is another Act, the 48th Geo. III., 1808?—Yes.

6308. Was it under this Act of 1808 that the premises were secured in which the school is now situated?—Yes, my lord.

6309. What is the present condition of the school?—When I became Bishop of Cashed the school was in a very bad state, and the master was inefficient. The premises I may say were in a ruinous condition. I met the trustees time after time in Waterford and I determined on repairing the school. I almost rebuilt a portion of it.

6310. Was this with money that had accumulated?—Yes.

6311. From Bishop Foy's estate?—It was in the bank, and partly in funds in the name of the late Bishop of Cashed.

6312. Were the funds from the estate of Bishop Foy?—I suppose so, but I have no means of knowing.

6313. The trustees are mentioned in the Report of 1880 [here the Lord Justice read from a report]?—Yes, these are the trustees.

6314. Have any of the municipal authorities taken part in the management of the charity since the act of 1808?—They have not certainly taken any part in the management of the charity since I became bishop.

6315. The endowment consists of lands only?—It is all lands with the exception of a house in the town of Waterford.

6316. About how much was laid out in the restoration of the premises?—There was a sum of about £3,000 expended in restoring it.

6317. After its completion who was the master?—Mr. William Smith, the present master.

6318. What is the number of boys in the institution?—After it was restored there were forty boys boarded, lodged, educated, and apprenticed; this continued as long as the funds sufficed to do it.

6319. Is there any separate apprenticeship fund?—Yes, there is; but it is not confined to the boy's school.

6320. How is it distributed then?—It is both for boys and girls.

6321. By whom is that fund administered?—By the dean and myself, the two trustees.

6322. Then there are the same trustees for this fund as for Bishop Foy's School?—Yes.

6323. Then the governing body for the one should be the same as the governing body for the other?—Well, I suppose so.

6324. How are the boys appointed to the school?—By the bishop and dean; they select them. The

being, I believe, from what you have read in the will, has the right to the sole appointment if he wishes to exercise it, but I have always consulted the Dean, and it is with his approval that I usually appoint the boys.

6325. We have been told that the number of boys at Bishop Fej's foundation has been reduced?—Yes; the number of boys on the foundation has been reduced to twelve, because of the utter falling off of our rents.

6326. How long has this been the case?—That has been so for two or three years. The funds have never been reduced to so low an ebb as now.

6327. How did you manage to reduce the number of boys on the foundation?—Well, the boys have been reduced by not filling up the places as they became vacant. I should hope that the reduction, however, will not be permanent.

6328. Who is the present agent of the estate?—Mr. Langley, who is here present to-day.

6329. To what religious denomination do the boys at the school belong?—To the Church of Ireland exclusively.

6330. So if a boy of another denomination enters he must conform?—They must conform with the Church of Ireland.

6331. Have you ever had boys of other denominations attending the school?—We have taken in one or two Protestant Dissenters, whom their parents consented to their conforming to our Church, and they were instructed in the doctrines of the Church.

6332. Are the boys all instructed in the Church Catechism?—Yes.

6333. And do they all go to the Protestant Church?—They attend Divine service at Ballynakill Church; I mention that church. It is the parish church where the school is held.

6334. Is it close to the school?—It is within a quarter of a mile of the school.

6335. I see that St. Oliver's Church is mentioned in the will?—Yes; the boys in former times attended that church, but the school is now removed out of the town and it would be inconvenient for them to attend St. Oliver's. St. Oliver's Church is one of the city churches. It is two miles from the town to the school.

6336. It struck us to-day when we visited the school that the number of boys deriving benefit from such an endowment is very small: do you think if it were made available for day boys it might not become more useful to the neighbourhood?—In its present position it is too far from the town to take day boys in connection with it.

6337. Why was it removed out of the town?—It was removed out of the town premises for the purposes of the boarding school.

6338. You would then prefer it as a boarding school?—I think the benefits of it is very great, and if we could keep up the full number it would be an undoubted advantage. This we hope to do. I would hope that the rents will not always be in the same condition as they are at present in Ireland.

6339. What is the mode of selection of the boys?—They are selected by the Dean and myself.

6340. Are there many applications?—Not at present, because we have made it known that we will not take in any more.

6341. How do you select them?—What we have always done, is, to have an examination of boys. The candidates are obtained by giving notice throughout the town, we do not have an examination for every place, but when there are four or five places vacant there would be then a selection made from the candidates.

6342. Have you always a sufficient number of applicants to fill the places?—We have always more candidates than places.

6343. In preference given to any particular class of boys?—Well, they should be poor boys. We would

always give preference to destitution, and they should be children of members of our Church.

6344. Do you require the boys to pass an examination?—We require a certain amount of education. The boys must pass an elementary examination in reading and writing.

6345. At what ages are the boys admitted into the institution?—Ten years of age is the appointed time, but we have now reduced the age to nine.

6346. There is a limitation in the will as to the length of time a boy can remain in the school. Is that rule in force now?—No, we keep them till the age of sixteen. We found that that was necessary in order to put them into some way of earning their own bread. If we sent them out at the age of fourteen, the time limited in the will, it would have a bad effect, so we keep them till they are sixteen.

6347. What steps do you take to get them into situations so as to start them in life?—There are applications made to us from all classes of persons in town, who want assistance in shops, offices, etc.

6348. Then you have found no difficulty in getting them into places, as soon as they leave the school?

6349. Have you had to pay a fee in these cases?—No, we can get them into places without fees.

6350. Where?—Well, as I have said in shops and offices; and they generally get 10s. a week at once.

6351. Without any fee being paid?—Yes.

6352. The education is then such as to fit them for those positions?—Yes, they get a sound commercial education. They are taught book-keeping.

6353. Dr. TARRANT.—You claim exemption?—Yes, we claim exemption.

6354. On what grounds?—On the grounds that the boys for whom the school was originally founded and intended, are boys of one religious denomination, and also on the ground that the governing body is composed exclusively of members of the Church of Ireland.

6355. If this charity were declared exempt, would you be inclined to put forward a scheme for its better government?—No; we think our present scheme and governing body is a very good one.

6356. But if this Commission were to give you an improved scheme, would you not avail yourself of the powers of this Commission?—Yes, I would, in that case.

6357. Under the original foundation there was a layman one of the trustees; would you be inclined to incorporate a layman with you who might assist in making this endowment a successful one?—Well, yes. A suitable layman would be an advantage if added to the governing body. I believe, originally, the mayor and the sheriff were trustees.

6358. Lord Justice FRYGATE.—Then you think it would not be disadvantageous for the management of the estate to have some layman on the governing body?—One suitable layman might be desirable, one who would give us his advice in monetary matters. When you were here last we had Mr. Bowles. He gave us very valuable assistance and advice, but he is dead. We would be glad to associate with us on the governing body such a layman as he.

6359. It would appear to have only two governors now?—It would be very desirable to have only one layman. The Mayor was the only layman appointed in the will.

6360. There is another matter that occurs to me that would be advantageous. It is evident that these foundation places are not sufficient to fill the entire buildings that you have got, why then not allow for a class of boys to pay for their education?—We have found out that ourselves, and we have for the last few years, when we have had more accommodation, received boys who pay £20; we receive these boys from any place, as boarders, giving them the same

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advantages as the other boys, both clothing and feeding, and also educating them.

6361. £30 a year would not pay for each additional boy brought in?—Yes, we found that it would cost about £17 a year, leaving £3 more towards the payment of the staff of the institution.

6362. The Bishop has a veto upon everything with regard to the nomination of the boys?—Yes.

6363. Have you never had any claim on the part of the Mayor as regards the management of the charity?—Never; not in my time.

6364. Whether he was a Protestant or not?—No.

6365. Dr. TRAILL.—The Municipal Corporations Act deprived them of that power?—Yes, I thought so.

6366. Lord Justice FRYGUESON.—I see by the document that was sent in to the Commission that there is a debt upon the place at present?—There is a debt for which the Dean and I have made ourselves responsible. It was necessary to incur this debt in order to keep the place open. The falling off of the rents was the cause of it.

6367. Can you tell us the net income for the last eight or nine years?—No, I could not without referring to the accounts.

6368. Lord Justice NAUGHTON.—What was the income for last year?—The agent who is here will be able to give you that more accurately than I could.

6369. Dr. TRAILL.—What is the amount of the debt that is due upon the place?—It is at least £1,200. The Dean and I contracted the debt to keep, as I have said, the place open.

6370. Lord Justice FRYGUESON.—I understood you to say that you have reduced the age of admission to nine years?—Yes, we have.

6371. To what class do the parents of the children belong?—The parents of the boys are usually poor tradesmen, and people of that class, servants, and in some cases men belonging to the staff of the militia, and others of that kind.

6372. Have you any orphan children in the institution?—We have. But there is a little city orphan home, and we sometimes take boys who have been brought up from infancy there into Bishop Foy's School.

6373. Then many of the boys are the children of poor parents?—Some of the boys are very poor.

6374. Lord Justice NAUGHTON.—I suppose their clothing is paid for?—Yes; it is paid for out of the income of the school. We do that even for the boys who pay £30 a year.

6375. Dr. TRAILL.—How many of the boys pay this stipend of £30 a year?—There are four boys at present who pay this sum of £30 a year.

6376. Where do they come from?—They come from other quarters.

6377. Then they may come from any place?—Yes.

6378. Lord Justice FRYGUESON.—To what class do their parents belong?—They are the children of land stewards and other people of that class throughout the country who would gladly pay that sum for their children in return for the education they receive.

6379. Professor DOUGHERTY.—You said, I think, that you received boys belonging to other Protestant denominations?—Yes, in one or two instances, but we have done so with the consent of the parents.

6380. Did you require a formal written consent from the parents?—Certainly; we required a formal written consent from the parents, certainly, or otherwise we would not have admitted them.

6381. Did you simply assume when the parents were making application in a formal way that they would consent to their son being educated in the Episcopal faith?—No, we were by no means satisfied with an assumption, and we required the written consent of the parents.

6382. Lord Justice FRYGUESON.—How often has

this class of case occurred?—It has happened once or twice.

6383. Then you think it advisable to admit cases of that kind?—Well, we considered that the boys in the cases to which I have referred as worthy of admission.

6384. Rev. Dr. MALLOY.—Do you consider that the endowment was intended for Protestants of different denominations?—No, I do not.

6385. You consider that it was the intention of the founder to confine it to Protestants of one denomination only?—I think it was intended for Protestants who are members of the Church of Ireland.

6386. On what grounds, then, were you able to extend it to Protestants of other denominations?—Well, on the grounds that they became members of the Church of Ireland.

6387. Lord Justice FRYGUESON.—I do not think there can be any doubt about the character of this endowment. It was created by a Bishop out of his own private property, and given, after the expiration of certain life interests for members of his own family, to purposes of education. Bishop Foy placed it under the control of the Bishop, Dean, and Mayor of the City of Waterford, but at the same time he left it in a rather peculiar way; for the Bishop must, according to the terms of the will, be a member of the body of trustees whom they act on any occasion with regard to the charity; even if only two acted, one of them must necessarily be the Bishop. Furthermore, the boys were all removable at any time by the Bishop, and he could even refuse to admit those selected by the Dean and Mayor, and could appoint others in their place. In addition to this, the master of the school was to be appointed, and was removable, by the Bishop. It is evidently an establishment that our bishop founded and placed under the control and guidance of all his successors. Then there are two Acts of Parliament dealing with this charity, one of them bearing date 1808; and the inference is plain that, as the law stood at that time, the charity was considered an exclusive one. At the time those Acts were passed it was absolutely necessary that the three members of the governing body should be members of one particular religious denomination—viz., that of the Established Church. When the Municipal Corporations Act of 1840 was passed, it placed a limit upon the powers of members of municipal corporations who were Roman Catholics with regard to the private trusts of which they were ex-officio trustees. By that Act the Mayor and Corporation have been deprived of a share in the active government of this and similar institutions. And accordingly we find that this charity has been, for the last fifty years, under the exclusive control and jurisdiction of the Bishop and Dean of Waterford. As regards the boys who are the objects of the endowment and for whom it was provided, we see that the endowment is applicable only to boys who are members of the same religious denomination as the governing body of the institution. The Bishop, we understand, could take a child whose parents were of another denomination, but when the child enters the institution he becomes a member, and is educated as a member of the Protestant Episcopal Church. Having taken these facts into consideration, we must declare, as we have done in many other cases, that this endowment is exempt, and that we have no power to go further with the matter. Where an endowment of this kind is left for the people of a particular locality we cannot deprive them of their exclusive right to the endowment so long as there are any of the original class for whose benefit it was intended. Even with the assent of the governing body, in a case of this kind, we would be bound to keep up the exclusive character of the endowment in the framing of any scheme which we might prepare for its future government. It now only remains in this case for the governing body to consider whether

they want any alteration in their present constitution. I say my idea, that we could incorporate the present governing body and invest the property in them for once and all, and now that the Bishop and Dean are no longer what is known as corporations sole, this might not be an imprudent step to take; and if a layman were associated with them in the management of the charity, he would be found, I think, of great assistance for putting out boys to trades.

6388. *Right Rev. Dr. Dwyer*.—Would an application be received by you if the Dean and I considered it advisable to take this step which you have suggested?

*Lord Justice Fitzgerald*.—We consider that we ought not to expect any governing body to give their consent, so as to deprive themselves of their control in the matter, until they know what we are going to do. What we have hitherto done in cases of this kind is as follows:—We have asked the governing body who are desirous that we should draft a scheme for them, to give us, in writing, a full statement of all the suggestions they wish to make for the improvement of the trust property. We then, from these materials, prepare a draft scheme and submit it to the governing body, who must consider their objections to the draft. If the governing body would rather have no scheme at all than the one we send them, we drop the matter. On the other hand, if they are satisfied with the draft, we ask them to give their consent, and, on their consent being given, we publish the scheme.

6389. *The Lord Bishop of Cashel*.—Then that does not enable with our right of exemption from your jurisdiction under this Act?—No, but once the consent is given it comes within the Act. Our course in consent cases is to prepare the draft scheme and then to ask for the consent of the governing body, in writing, before we publish it.

6390. *The Lord Bishop of Cashel*.—Does that consent in writing give you power to modify in any case with the endowment?

*Dr. TRAILL*.—You are not asked to put your head into a noose.

6391. *The Lord Bishop of Cashel*.—I would ask for the information of the governing body of the charity, whether, if we thought it advisable, under the present difficult circumstances of the country, to sell our landed property can you give them authority to do so?

*Lord Justice Fitzgerald*.—Yes, we can give full powers of sale and letting.

*Dr. TRAILL*.—Your lordship will understand that, when you come in under the operation of this Act, and your governing body has been incorporated by the Commission, you are liable to inspection and to audit. The auditor will be appointed by the Local Government Board.

6392. *The Lord Bishop of Cashel*.—Would we have to pay that auditor?

*Lord Justice Fitzgerald*.—Yes, but it would not

involve much expense; but your accounts must pass the Local Government Board audit. The 17th section of the Act deals with this matter. As regards the audit it is open to me to appoint a competent authority as auditor, who is proposed by the governing body. We have opened communications with the Local Government Board, and we have grounds for stating that they are prepared to audit accounts of this kind at a very reasonable and uniform charge. An audit of that kind is a very valuable precaution.

6393. *The Lord Bishop of Cashel*.—I would only ask you whether you would recommend us to seek the aid of our landed property?

*Rev. Dr. MALLON*.—In the scheme we would only give the governing body power to sell if they wished to do so.

*The Lord Bishop of Cashel*.—Oh, yes; I understand that of course. We would have it distinctly understood, *Dr. TRAILL*, that our asking for a scheme does not bind us to accept it.

*Rev. Dr. MALLON*.—The Act does not apply to your endowment without your written consent; but when we get your written consent then we can deal with it.

6394. *The Lord Bishop of Cashel*.—Suppose that I consent and the Dean consents with me, and the school is placed under the operation of the scheme, would that vitiate our claim for exemption from any future Commission?

*Lord Justice Fitzgerald*.—Oh, we cannot tell if it will be exempt from any future legislation. The schemes prepared by us under this Act, have the same force as an Act of Parliament. We have power to insert provisions for placing the scheme on the consent being obtained of the Commissioners of Charitable Donations and Bequests. Formerly, governing bodies were compelled, at a great deal of expense, to go into the Court of Chancery to effect this object. Wherever we have formed governing bodies, we provide that the scheme may be altered on the application of the governors to the Commissioners of Charitable Donations and Bequests. In the case of foundations exclusively belonging to the Church of Ireland, we have in certain instances inserted a provision in the scheme that it may be altered by the same authority on the application of the Church Synod.

*Dr. TRAILL*.—The great object is to save you the expense of applying to the Court of Chancery, your scheme will enable you to effect the object, formerly obtainable only by application to that Court, without much trouble or expense.

6395. *The Lord Bishop of Cashel*.—Supposing that we give our consent to the scheme, does that secure the exclusiveness of our endowment?

*Lord Justice Fitzgerald*.—The section of the Act is explicit on the point. We cannot possibly give you a higher security than the safety of the Act itself.

*Mr. Charles Langley, Agent of the Estate of Bishop Foy's Charity, sworn and examined.*

6396. *Lord Justice Fitzgerald*.—When were you appointed agent for the Foy Estate?—At the latter end of 1880.

6397. That was just shortly after the former inquiry?—I do not know.

6398. Where do you reside?—I live near Kilmastomas.

6399. Is that near the Foy Estate?—The nearest part of the estate is about eight miles from where I reside, and the other portion of the estate lies about nine miles off my place.

6400. The estate is in two lots there?—Yes, it is in two different lots, one portion is situated near Kilmastomas, and the other lot is situated near Carrick-on-Sale.

6401. Take one lot at a time; take the Kilmastomas lot, is it lease property?—No, the whole estate is leased property, except in one instance.

6402. What class of land is it?—It is land chiefly occupied by dairy farmers and graziers who rear young stock.

6403. How many tenants are on that land?—There are thirty-two tenants, I think on the entire estate.

6404. But how many are on the portion of the estate situated near Kilmastomas?—I cannot tell you exactly, but I think about twenty-three are situated on one lot, and possibly about nine on the Kilmastomas portion.

6405. Have you got a rental of the estate with you?—No, I have not.

6406. Are the lands held by leases from year to year?—There are two cases of leaseholders and only two on the estate, the remainder are yearly tenants.

6407. *Dr. TRAILL*.—Are three tenants going into the Courts under the Land Act?—Well, I do not know that.

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Mr Charles  
Langley.

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—  
Mr. Charles  
Langley.

6408. Are the rents above or below the Poor Law Valuation?—I think the majority are above the Poor Law Valuation.

6409. Lord Justice FREDGEMAN.—We understand that the difficulty about the income of this charity has arisen from the difficulty of getting in the rents from the tenants on the estate?—Yes, the tenants have gone in for the "Plan of Campaign," and there is some difficulty in getting the rents from them. However, a settlement has been arrived at, and concessions have been made to them. They have paid me a half year's rent, but with the condition also that they should pay another half year's rent next month.

6410. Does that apply to the whole of the tenants?—Well, yes.

6411. Are there any of the tenants who have not gone in for the Plan of Campaign?—Yes, there are about five or six of the yearly tenants who have not gone in for it and neither have the leaseholders.

6412. How much is the rental of the property now?—Well there have been reductions made since 1881. The rental in that year was £1,603 14s. 4d., and for the following year, it was the same amount. In the year 1883, the rental was reduced to £1,519 10s. 1d. The cause of this was that several of the tenants in that year went into the Land Courts and got their rents reduced by the Court. In the years 1884 and 1885, the rental stood at £1,484 14s. 3d., this was caused by some further reductions by the Land Courts, nine of the tenants having gone into the Court to have their rents fixed. In the year 1886, the rental stood at £1,479 18s. 1d.

6413. What is the amount of arrears due by the tenants?—The amount of arrears? I can tell you the amount I received last year.

6414. How much was it?—£515.

6415. Dr. TRAILL.—Was that the amount you received for the whole year?—Yes, they refused payment and went in for the "Plan of Campaign," and stood out for reductions of the rent.

6416. Lord Justice FREDGEMAN.—Was that in the year 1886?—Yes, for the November year, 1886.

6417. How much of the rental have you got this year?—£490 10s., and I expect I shall get the same sum in a short time.

6418. So that would be something over £500 for the whole year?—Yes, I strongly it will be paid when I go round myself to collect it.

6419. Professor DOUGHERTY.—What reductions have you allowed the tenants who went in for the "Plan of Campaign"?—We allowed a reduction of thirty-five per cent. on the old rents, and of twenty-five per cent. on the judicial rents; but it was on condition that they should pay those two paces in November.

6420. Is that a permanent reduction?—Oh, no, only for these two particular years.

6421. Dr. TRAILL.—For what two years?—For November, 1886, and May, 1887.

6422. Did you get the May rents for the year 1886?—No, there are some who did not pay and who are under process for the amounts due. There is one under execution. Four or five of them are in a very shaky state. There is a decree of eviction obtained against one man who has a large holding.

6423. What is his rent?—His rent is £191.

6424. Professor DOUGHERTY.—Is that tenant a leaseholder?—No, he is not.

6425. Do you expect many of your leaseholders to go into court for a revision of their rents under the new Act?—No, I do not think they will. You see there are only two leaseholders on the estate.

6426. Lord Justice FREDGEMAN.—There was one lease held by the Rev. E. Ridgeway?—Yes, that is still in existence.

6427. Dr. TRAILL.—Who is the other leaseholder?—The Marquis of Waterford.

6428. I understand this land was close to the Marquis of Waterford's own land?—Yes, it is quite close to it,

he took it for the purpose of improving his own demesne, it immediately adjoins it.

6429. There is another tenant here, Peter Wall (?) who appears to have a large holding?—Yes.

6430. Has he joined the "Plan of Campaign"?—Yes, he has joined it.

6431. What is his rent?—Peter Wall's rent, as well as I can remember, was £150 16s. 8d. This amount, however, has been reduced by the Land Courts. He went into the Courts and got it reduced to about £140, and then I think he appealed and got it further reduced to £130.

6432. And that is the amount which Peter Wall has refused to pay?—Yes.

6433. Rev. Dr. MOLLON.—Has he a lease of his holding or is he only a yearly tenant?—He has not got a lease, but since his rent was fixed by the Land Court he has got a judicial lease for fifteen years. I know of my own personal observation that Wall has been in the habit of drawing mowers from Carrick. He has been for years mowing his land by mares purchased in this way in the town.

6434. Dr. TRAILL.—Was that rent of £150 16s. 8d. the rent of Wall's holding for a number of years previous to his application to the Land Courts?—Yes.

6435. Rev. Dr. MOLLON.—I believe that it dates from the year of the Battle of Waterloo, 1815?—I do not know; the books are not here from which I could tell you when he entered the farm.

6436. Dr. TRAILL.—Do you know what that amount, £150 16s. 8d., Wall's rent in the year 1856? I cannot say.

6437. Was it his rent in 1845?—I do not know, I cannot tell you that without consulting the rent books.

6438. Lord Justice FREDGEMAN.—Then comes the case of Thomas Drolan?—He held at a rent under Griffith's valuation. His old rent was £34. The case was brought into the courts, and his rent was raised by the Land Commissioners to £75; the tenant then appealed to the Superior Court, and the rent was reduced to £68. His rent now stands at this amount.

6439. Do you visit the estate from time to time?—Yes, I live near it.

6440. Can you give us any idea of what the receipts from the estate will be in the future?—Oh, I could not do that.

6441. Is there any chance of their being further reductions in the rents of the holdings?—It may be that there will.

6442. But the tenants have not gone into the courts again?—No.

6443. Perhaps you could give us some idea as to future value of landed property?—Well, there have been considerable reductions made by the Land Commissioners in the last few years. These reductions are much greater in proportion than those which were originally made by the Commissioners. This fact may induce some of the present tenants to go into the courts. But I know that none of the tenants have expressed any intention to me to do so.

6444. There are, according to the last report, some wretched cottier houses on the estate. Do you know if anything has been done towards the improvement of these?—I do not know of anything of that kind being on the estate. I only know it since 1881.

6445. But it is stated here in the report that there were such houses on the estate—on the townland of Ballyquin?—Oh, yes; they are labourers' cottages on the farm of a man named Power; they were not directly held from the trustees.

6446. Dr. TRAILL.—Have there been any labourers' cottages built on this estate under the recent Act?—Yes, there were two; they were built by the Board of Guardians.

6447. Lord Justice FREDGEMAN.—Do you know

who has the shooting of the estate?—I do not know anything about the shooting.

6448. Have you got a map of the estate?—No; I have not got a good map, but I have an old one; it is not of very much use, as the holdings on the estate when it was made are not the same holdings as at present exist.

6449. Do you take any part in the management of the school?—None whatever. I merely collect the rents of the estate.

6450. Rev. Dr. Mollov.—Do the statements bring the half-year's rent down to £430?—No; that is not the half-year's rent—that is the amount paid to me by the man who went in for the "Plan of Campaign"; these are others who did not go in for the "Plan of Campaign."

6451. Dr. TRAVER.—How many of them did not join the "Plan of Campaign"?—Five or six of the twenty tenants and the leaseholders.

6452. What may be the half-yearly payments of those who did not go in for the "Plan"?—I would have to look up the books to give you the exact figure.

6453. I thought you told us that the rents amounted to £1,479 13s. 1d.—that would mean over £700 for the half year?—That was the rental which I gave you.

6454. But can you give us the actual cash received for the last few years?—I can give you the cash received since I commenced the agency; that I can

give you for each year. The actual cash receipts which I have received since 1881 are as follows:—For the year 1881 I received £1,556 2s. 3d., for the year 1882, £1,649 11s. 4d.; for the year 1883, £1,320 5s. 1d.; for the year 1884, £1,371 19s. 10½d.; and for the year 1885, £1,213 1s. 7d.

6455. What because of the difference between these years—there is a wide margin between the sums received in some of the years?—That is the arrears.

6456. Why, you are about £300 short for this year, besides that for the previous years. In 1885 you were over £270 short, and in 1884 you were about £150 short?—Yes.

6457. And I see that in 1883 you were about £190 short?—Yes, that is the case. In 1882 we were something over the rent, but that was some arrears from the year 1881, and then the year 1882 was all right.

6458. But what has become of the arrears for the years 1883, 1884, and 1885?—Some of the arrears are wiped out, besides, see the amount is reducible by poor rates and allowances made to the tenant.

6459. Have any of the tenants gone into the court under the Arrears Act?—No, there is only one tenant who has taken advantage of that Act.

6460. Lord Justice FitzGibbon.—Have you any immediate prospect of getting a reduction of the debt?—Next month I expect to be paid by those men who have gone in for the "Plan of Campaign."

Wm. H. Smith, Head Master of Bishop Foy's School, sworn.

6461. Lord Justice FitzGibbon.—You have been head master of Foy's School since 1879?—I have been master since 1873, my lord.

6462. What course of education do you give the boys?—Well, to qualify them for trades and commercial positions.

6463. Then it is a commercial education you give them?—Yes, it is an English and commercial education.

6464. Do you teach them any classics?—None whatever; the boys are nearly of a poor class.

6465. What assistance have you in teaching the boys?—I had an assistant master till March twelve months (1886); then, owing to the difficulty in getting in the rents, the funds diminished, and we had to make a reduction of the staff. I then got rid of two house servants, and a man who did outside work, and the assistant master. I have done the teaching work of the school since that time single-handed, with, however, occasional assistance from my son who has served Trinity College.

6466. Is he paid a salary?—He does not get a salary, nor would I consent that he should receive anything.

6467. How are the internal arrangements and management of the institution regulated; who has control over them?—At present my daughter is mistress, but I have superintendence over every department of the house.

6468. How many boys have you in the school?—We had fourteen when you visited it this morning, but we are just after apprenticing one boy to a trade.

6469. How many boys have you had in the school during the year?—We have had twenty-eight boys in the school during the year.

6470. How many boys do you admit during the year?—The admission of additional boys depends entirely upon the state of the funds. We have had applications upon applications continually. We have had twenty-nine applications this year.

6471. Do the applications come through you?—No. The trustees advertise when there is a number of places vacant, and then the applications are lodged at the Secretary's office. The applicants are afterwards examined by me.

6472. Then you have an examination?—Yes, I examine them all in the presence of the trustees. I <sup>WILLIAM H.</sup> conduct the examination in their presence.

6473. Is that examination a qualifying examination or is it competitive?—It is merely to see that the boys are sufficiently educated to enter such a school as mine. It is merely a qualifying examination.

6474. In what subjects do you examine the boys?—Well, they must read easy words of two and three syllables, they must work easy questions in the four elementary rules of arithmetic; we also examine them at the same time in the Scriptures and Church Catechism.

6475. What subjects are embraced in the course of education the boys receive at the school?—We educate them generally in all the branches of a good commercial education. In arithmetic, book-keeping, English, algebra.

6476. Dr. TRAVER.—How far do the boys go in English?—There are some of the boys at present learning the third book of English. Then we teach them dictation, transcription, and English composition.

6477. Lord Justice FitzGibbon.—Have you ever sent any of your boys up for the Intermediate?—No; we have never sent any of them up, for many reasons. I cannot retain a class of boys long enough to send them up for the Intermediate Examinations, because I could not in justice keep a boy back from a position which might be offered to him. Here we cannot do much in the Intermediate course, we could only send our boys forward in English and mathematics alone, and this I do not think would be a very wise thing.

6478. At what age do the boys leave you?—They leave me before the age of sixteen. Indeed we rarely have a boy of sixteen years, but the trustees said they would allow boys to remain to that age.

6479. Then you rarely have a boy so old as sixteen years?—We rarely have a boy more than fourteen years of age; we rarely have a boy more than four years in the school, they generally go out about three years after their entrance.

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 William M.  
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6480. At what age do they enter?—They come in about the age of ten.

6481. You have always plenty of applications?—We have always applications in abundance, more applications than we have been able to entertain.

6482. Lord Justice NAUGHTON.—What positions do your boys get when they leave school?—Well, they get various positions, in warehouses, sometimes as counter hands in drapery and grocery shops in Waterford, and as assistants of that kind, they get clerkships in merchants' offices, and then we send them also to trades.

6483. What trades?—Well, we sent one boy as an apprentice to the printing business lately.

6484. Have they, as a rule, given satisfaction to their employers?—I am thankful to be able to say that we have not had a single case of complaint, the boys are well thought of, and speak very highly of the city.

6485. Lord Justice FITZGERALD.—We saw a nice workshop there this morning, how did you get that?—We got that from Mr. A. Denny, he made it a present to myself personally. He fitted up the place as a workshop, and provided it with all sorts of tools to the amount of £50.

6486. Then, there appear to be some local gentlemen who take an interest in your school?—Oh, yes, there are, I am glad to say, many gentlemen in the city interested in the school. They all look to me for boys from my school.

6487. Dr. TRAILL.—Why do you not employ a special teacher to instruct the boys in the use of tools?—I do not think it would be an advantage.

6488. But it would make them a great deal handier, and prove very useful to them if they were afterwards apprenticed to a trade?—Yes, it would make them a little handier, but really, I do not think we could teach them a trade, you see we give them more a literary education than a technical training.

6489. But would it not be better to train the eye and hand together?—As far as possible we do train the eye and hand together. I may say that for over three years we have not employed a tradesman; we have done all the odd jobs about the house ourselves.

6490. Rev. Dr. MOTT.—Do you teach the boys drawing?—No, I do not teach drawing, I am not competent to teach it myself.

6491. Do you not think that drawing would be very useful to the boys?—Oh, yes, I consider it would be extremely useful to the boys.

6492. Have you ever thought of getting it done by aid from South Kensington?—No, I have never suggested it to the trustees. We are so hampered at present for funds, and we would have to pay a teacher to come out from the city.

6493. Lord Justice FITZGERALD.—We saw one school at Skibbereen, where they earned over £80 in results free from South Kensington; they had a teacher there who taught the boys the subjects in which the South Kensington Department holds examinations?—Yes, that makes all the difference.

6494. You have not got a drawing master?—No.

6495. Have you yourself been trained as a teacher?—Yes; I was trained at the Church of Ireland Training College, Kildare-place, Dublin; I hold a first class certificate.

6496. Dr. TRAILL.—Were you trained there under the new or under the old system?—Under the old system. But I have been keeping myself up to the advances made in the system of teaching. I read all

their books and publications, and so keep myself abreast of the advances made by the new system.

6497. Lord Justice FITZGERALD.—How long have you been engaged in teaching?—Since I was seventeen years of age, I have been engaged in teaching.

6498. You have a considerable quantity of land around your school?—Yes, I got it attached to the school a few years after I came.

6499. How much land have you there?—Altogether, including the garden, house, buildings, and all, we have about twenty-five acres.

6500. How do you utilize it?—We have it, of course, for the recreation of the boys, who have a cricket field; we also supply all our own milk, butter, potatoes, vegetables, and manure.

6501. It is only within recent years you have this land attached to the school?—Yes; some years ago that farm was rented by a gentleman in our neighbourhood for £11 a year. I applied to him for a cricket ground for the boys, and he declined to let us have it. The trustees, however, came to an arrangement with him, and gave him a reduction in his rent, in order to let us have the cricket ground for the boys. I think the rent was reduced to £35 10s. Then he gave up a part of the ground entirely to us, and paid a rent only of £12. I think in 1875 (I) we got it all into our own hands, and have it now. I may mention that, then, I did not put on young stock, for the trustees had no money for that purpose; but we have always made out of it more than the rent of £11 by the cattle put on to graze on the land, besides the other things which we get, such as potatoes and vegetables, etc.

6502. Have you a gardener who looks after these things?—Yes, we have a resident gardener, and a man who resides on the premises also. These men cultivate the garden and raise the vegetables required by the household.

6503. Do you pay the gardener's wages?—No, the secretary pays him his wages through me.

6504. Do you find any difference made between the boys who pay and the boys who do not pay for their education at the school?—Not the shadow of a shade\* of a difference.

6505. Dr. TRAILL.—Are they all dressed alike?—They are all dressed and fed alike; and they sleep in the same dormitories; there is no difference whatever between them.

6506. Lord Justice FITZGERALD.—It is probable that many people, if they knew that this education could be obtained at so cheap a rate, would send their sons to the school?—I think a great number of people would be glad to send their sons to us if it was understood that we would take them.

6507. Have you any idea of what it would cost to keep the boys?—One with another it would take between £16 and £17.

6508. Does that include the charge for teaching?—Oh, no, clothing and feeding only.

6509. Who pays you your salary?—I am paid by the trustees.

6510. How much do they pay you?—£106 a year with my board, lodging, and servants.

6511. Do you board with the boys?—No, I board at my own house, I have my own dietary.

6512. Do you mean that the trustees pay for your board?—Yes.

6513. Do you get an allowance of so much for your board?—It is included in the monthly account. I select my own dietary.

#### WATERFORD DIOCESAN SCHOOL.

The Right Rev. Dr. Day examined.

6514. Lord Justice NAUGHTON.—Is this the school which has a grant from the Corporation of Waterford?—No, that one has ceased to exist. It was a school established, and supported by a tax upon the clergy of

the diocese, and it ceased to exist at the time of the disestablishment of the Irish Church. This diocesan school is one into which inquiries were made to the last Commission. The exhibition attached to the

Right Rev.  
 Dr. Day.

school has been applied to a boy who was educated here and entered Trinity College. A rent of £12 is paid to the trustees of the hall where the school is held for the use of the room; there is no lease drawn out, but they are very glad to have the rent.

5815. Lord Justice FRYGEMAN.—Is it applied to any other use than that of the school?—It is used for Sunday school meetings and other meetings of that class.

5816. How many pupils are at the school?—At present there are only from sixteen to twenty pupils attending it, very lately there was a great many more pupils. However, after Christmas we expect a considerable increase in the numbers attending it.

5817. Lord Justice NAIRN.—Your endowment is £40 a year, arising out of a capital sum, I see?—Yes, that is our entire endowment. The money was left to the diocese of Cusack and Limerick, and the diocese of Cusack refused to part with their share.

5818. Can you tell me what the diocese of Cusack

does with its share of the money?—They apply it to their primary schools.

5819. Dr. TRAILL.—What is the amount of the money?—£400.

5820. Lord Justice FRYGEMAN.—Is this the only Intermediate school in Waterford available for Protestants?—There is, I believe, a private Intermediate school kept by Mr. Durican, a Baptist clergyman.

5821. Is the £1,000 in the hands of the Representative Church Body?—No; the interest of the subscriptions does not come through the Representative Church Body, it is invested in Railway Debenture Stock, that £500, and it comes directly to the Board of Education of the diocese.

5822. Who are the trustees of that?—The trustees are composed of the Bishop, the Dean, Mr. A. Denny, and Mr. Robert Paul; we have had to transfer the money into railway debentures.

5823. Dr. TRAILL.—Could you get a lease of the premises in order to vest this property in your school trustees?—Oh, yes, I think so.

### CHRISTIAN BROTHERS' SCHOOLS, WATERFORD.

Rev. Br. Jas. C. Francis sworn.

5824. Lord Justice FRYGEMAN.—Are you the head of the Christian Brothers' Schools at Waterford?—Yes, I am what is termed the Superior.

5825. How many different establishments have you in Waterford?—I do not mean schools in your sense of the word I—We have three.

5826. What are the names of them?—Mount Zion, with ten schools under the same roof, St. Patrick's and St. John's.

5827. Lord Justice NAIRN.—How many boys had you in attendance for the past year, 1886?—I have the returns with which I can furnish your lordship. (Here the witness handed in a document to the Lord Justice.)

5828. Lord Justice FRYGEMAN.—You told us there were ten separate schools in Mount Zion; how many are in the other two establishments?—There are only two schools at St. Patrick's and two at St. John's, fourteen altogether.

5829. What is the number of your community in Waterford?—There are sixteen in the community; including servants it would bring it up to twenty-one.

5830. How many Brothers are engaged in teaching?—There are fourteen engaged in teaching, and myself makes fifteen. I am constantly employed in inspection of the schools, and then there is one Brother who attends to the ordinary department.

5831. You are not told off to any particular duty then?—I am constantly engaged in inspecting the schools.

5832. Lord Justice NAIRN.—I see the average attendance at Mount Zion is 765, what year is that for?—For the year 1886, there are 935 on the rolls.

5833. Dr. TRAILL.—What is the average attendance at the other two schools, and what is the number on the rolls?—At St. Patrick's there are 138 on the rolls and 140 of an average attendance. At St. John's there are 247 on the rolls, and 217 of an average attendance. The total average attendance for the twelve months ending 1886, was 1,015, and the number on the rolls for the same period 1,383. We generally call it 1,400. We really estimate more than that number, because we have a rule that if any pupil has been absent for three months we strike his name off the books. We go through the roll books every three months, and the name of any pupil who has been absent for that period is expunged.

5834. Lord Justice FRYGEMAN.—Are these the

only primary schools in Waterford?—Within the present year another school has been set in motion under Catholic management, also a National school, but the Christian Brothers' schools, of which I am superintendent, are not under the National Board.

5835. Then yours are the principal primary schools in Waterford?—Yes, they are the principal schools for primary education since the beginning of the century, since the year 1843.

5836. Are you able to tell us how many boys at your schools pay and how many are free?—I shall give you the summary of the whole fourteen schools. You already have the number upon the rolls, the average number of free pupils is about 200, and when I say, "about," it is because it is impossible to give the number exactly as the number varies from week to week.

5837. How many paying pupils have you?—I have them arranged according to the amount they pay. There are 573 paying 1d. a week, there are 285 paying 3d. a week, there are 140 paying 3d. a week, there are 21 paying 4d. a week, and 33 paying 6d. a week.

5838. Then by that amount, a little more than a half of your pupils pay a penny a week or nothing at all?—Yes, about one half. Then we have one professor, who is paid, in the Intermediate school.

5839. Lord Justice NAIRN.—Then, he is not one of the order?—No, because we have not members enough.

5840. What salary do you give him?—We pay him £63 a year out of the school pence.

5841. I believe that under your rules you cannot make use of these payments except for the use of the schools?—Yes, under the rules of our order we cannot use a penny of it except for the keeping up of the schools. We cannot use it for the personal expenses of the community.

5842. Lord Justice FRYGEMAN.—Do you pay any others of the staff?—I pay twenty-seven more out of the school pence salaries averaging from 2s. to 7s. 6d. a week, each, according to the school in which they teach.

5843. Dr. TRAILL.—How much does that amount to in the year?—Last year the school fees amounted to £299 10s. 5d.; the year before it was much the same. The amount expended last year on monitor's was £180 3s. 2d., that is the amount which I paid

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Right Rev.  
Dr. Dwyer.

Rev. Br. Jas.  
C. Francis.

Oct 37, 1887.  
Wm. Dr. Jas.  
C. Frendley.

out of that £200 of school fees, it includes all that I paid the masters and professors.

6544. How many paid professors have you?—I have only one paid professor and twenty-seven paid masters. Then I paid for rent, repairs, furniture, &c., £268 3s. 4d. for educational appliances, £23 1s. 10d., and for free requisites, such as books, slates, ink, writing paper, £59 16s. 8d.; that also includes premiums for good conduct. The sum for fuel amounts to £8 8s. 8d. You will find the total expenditure to be £344 15s. 8d.

6545. Lord Justice Fitzgerald.—Then there is a deficit?—Yes, it gives a deficit under the school fees of £54 a year, that is what I want to bring under your notice, but if you wish to know the exact state of our affairs, I can explain how the deficit is made up. But I wish to go through the affairs of the school regularly and give you the results. In 1880, we had twenty-seven honours and two passes; in 1881, fifty honours and six passes; in 1882, thirty-three honours and seven passes; in 1883, twenty-six honours and four passes.

6546. Professor DOUGHERTY.—What do you mean by honours?—That is, a boy got more than was required by the Commissioners for a pass, he answered more than was necessary in five, six, or seven subjects. All that I mean by saying that we had fifty honours in 1881 is, that fifty boys got honours in two, three, or more subjects. In 1884 we had thirty-two honours and nine passes; in 1885, thirty-six honours and eight passes; in 1886, thirty honours and five passes; in 1887, thirty-two honours and seven passes.

6547. Lord Justice Fitzgerald.—You are singularly steady; your average is about forty per annum!—Yes, I think that would be about it. As to exhibitions which vary according to the rule of the Commissioners from £15 to £20 per annum, I will not be able to give you the precise money value of them, but the number of exhibitions obtained was seventeen.

6548. Dr. TRAILL.—During what period were those obtained?—From 1879 to 1887, both inclusive, we obtained one gold medal and two silver medals.

6549. Lord Justice Fitzgerald.—In what subject was the gold medal obtained?—I think it was obtained by a boy who was first of all Ireland in the middle grade. He was the head of the middle grade to the best of my recollection. The boy had eleven or twelve subjects.

6550. What subjects do you teach beyond the ordinary English school?—Well, English, French, and other modern languages, Celtic, arithmetic, bookkeeping, Euclid, algebra, natural philosophy.

6551. Do you go as far as trigonometry?—Yes, say lord, and navigation, if it is required.

6552. Lord Justice NALAN.—Do you teach mathematics?—No, that is taught by the Intermediate Board. Then we teach chemistry, drawing, and music.

6553. Lord Justice Fitzgerald.—Do you not teach Latin or Greek?—Not in the Mount Zion Schools. The boys go out to learn it at night school. They go to the professor we engaged, to learn Latin, but I am not aware of any going in for Greek.

6554. Dr. TRAILL.—Who pays for this?—The boys pay the professor themselves. It is the same professor to whom we pay £52 a year.

6555. Lord Justice NALAN.—Have you any idea how many learn Latin in that way?—The number that do so, I think, is not more than five, if so many. It may be six this year. I am not prepared to answer, because I do not know. Our schools are also in connection with South Kensington.

6556. Rev. Dr. MOLLOY.—May I ask this for the sake of clearness; you told us that in 1887 you had thirty-two honours and seven passes; am I to understand that thirty-nine pupils altogether passed the examinations, and that of this number thirty-two got honours in one or more subjects?—Precisely so,

when I give you honours, each honour means an individual boy. Now, I can give you the results fees.

6557. Lord Justice Fitzgerald.—Before you go to that, how many boys are in your Intermediate classes?—Generally about fifty.

6558. Then you are able to pass forty out of every fifty boys that you send in?—Yes, I think that is about the proportion.

6559. Rev. Dr. MOLLOY.—How are these fifty boys divided between the three grades?—This year? Two in the senior grade, five in the middle grade, and thirty-two in the junior grade.

6560. These fifty boys are all drawn from your primary schools in the town?—Yes. I have the possession of a child from its first school. When a class is prepared, I must hold an examination. I examine the boys in the class and reject them if they are not up to their work. If they are up in their work I promote the boys to the second school. In the second school a precisely similar course is pursued, and thus the boys are promoted progressively from the lowest school to the highest.

6561. But are the fifty boys in the Intermediate class all drawn from your own schools?—Yes, ninety-eight per cent. of them are, you may get two per cent. of them coming in from a place called Ferrybank, on the recommendation of the parish priest. I sometimes get a letter from the parish priest to take in a boy for special reasons, but the number that enters in that way is very small.

6562. What is the total number of boys attending all your schools in the town?—It was 1,335 in 1886.

6563. Then under your system in Waterford there are 1,385 boys, of whom fifty are in the intermediate classes?—Yes.

6564. About how long do they remain in the primary schools?—Three times each year I am bound to examine every school and to promote the boys according to their merit. Before Christmas, before Easter, before summer.

6565. But about how long on the average do they remain in the primary schools?—Well, from the first school not more than about five years, but that is only an approximation.

6566. How long do they remain in the intermediate school?—On an average about from two to three years. Sometimes three years. That would be the outside.

6567. Lord Justice Fitzgerald.—What other intermediate schools are there in Waterford?—I do not know that there is another intermediate Roman Catholic School in the city, as far as I recollect. About two years ago there was one, St. John's College School, but it was turned into a primary school, because the Bishop of Ossory opened a classical school in a place called Kilmacow, and that diminished the number attending St. John's College School. By reason of the diminution in the number of pupils our bishop and his advisers preferred turning it into a primary school. That is my opinion on the matter, but I am not in a position to say exactly that it is the reason.

6568. Now, with regard to results fees, would you give us some information?—I have not got the results fees for this year, but I have calculated them myself; and we sometimes have a controversy with the Commissioners over the calculation of the results fees, but we expect to get £100 results fees this year. The results fees for the past five years, consecutively, are as follows:—

For the year	£	s	d
1880	35	0	0
1881	75	10	6
1882	194	4	4
1883	30	12	0
1884	29	17	0
1885	31	0	0
1886	60	4	4
1887	218	6	6

and, as I have said, in 1887 we expect about £100. The year 1888 was the year in which one of our boys got the head place in the middle grade.

5368. Lord Justice FRYGROVE.—That shows a great fluctuation in the amount received each year; to what do you attribute it?—Well, if I may be allowed to use a simile, I answer you that the tree that bears good fruit this year will not do so next. A junior boy will go in the first year, and pass, and you will receive results, but you will not receive results when he goes in again the following year, unless he gets honours in his subjects. And then many boys leave the school before they get honours.

5370. Lord Justice FRYGROVE.—They would vary also with the number of subjects in which you sent the boys in?—Precisely.

5371. Then, taking them on the whole, you do not make money by your results test?—My opinion, say, my conviction with regard to it, is that I would be glad to have nothing to do with the Intermediate. It involves so much labour, and expense, and anxiety, that the results do not counterbalance it.

5372. Then from a pecuniary point of view it does not pay to work for the Intermediate?—No; it scarcely pays. But I would not give the Intermediate up when you regard it from an educational point of view. The boy who has an object before him will learn twice as much in the same time as one who has no object before him. Circumventing is out of the question; the word is abused, and very much abused, in its use, especially with regard to these examinations.

5373. Your expenses are wonderfully good, taking into account the cost of teaching and appliances, then the results you get?—The expenses that we incur for the Intermediate, paying teachers, and buying appliances, come to a good deal more than the results give in some individual years, but that is for some years only. However, if you take the sum totals, the one will counterbalance the other. We have not, for instance, to pay for appliances every year.

5374. Rev. Dr. MOLLOY.—Then on the whole you think you are not out of pocket by the Intermediate?—I do not think I am out of pocket by it. I am of opinion that I have something to the good, from it.

5375. Do you think it has helped to improve your system of teaching?—Immensely.

5376. Do you think that the preparation for these examinations helps to improve the intelligence of the boys?—There is no denying it. The boys have both their intelligence trained, and their memories stored with knowledge. That is my opinion and conviction, no matter who may differ from me on the matter.

5377a. Lord Justice FRYGROVE.—Are the examinations a satisfactory test as to the knowledge of the boys, and the way in which they have been taught?—Well, the character of the examination will depend a great deal upon the good sense of the man who sets the examination paper, and his practical acquaintance with the capabilities of boys. You may arrange an examination that would be worthless as a test of the boys' capabilities.

5377. Do you find a change in the character of the papers from year to year?—Yes, very much; we are won at the mercy of the examiner from year to year, that the ship at sea is at the mercy of the wind.

5378. Dr. TRAILL.—But you would not expect to see the same questions every year?—No, I would not, but I would expect every year to see reasonable questions put. For instance the mathematical paper, I think it was that of the Junior Grade, was most unreasonable this year. I would venture to submit it to all here present, and I am convinced they would find it very difficult to work it out in detail in the time allowed. The questions were very abstract, far too obscure for junior boys. An examination of this kind is all right when you have mature men competing for honours. A man may preach himself in a paper set in this

way, but it is very disheartening to the boys, and also disheartening to the teachers, to find, after twelve months' hard teaching, such unreasonable papers set.

5379. Lord Justice FRYGROVE.—Now, with regard to the South Kensington Examinations?—Our connection with South Kensington is very short. It was only in 1886 that the connection was formed, and the examinations commenced.

5380. I suppose you only go in for drawing?—We go in for both science and art. Here is a paper with the results of our examinations in connection with the Science and Art Department.

5381. Dr. TRAILL.—How much money did you make by that?—I am afraid I can only give you the results for one year; in 1886 we received £85 6s., but what we are to get this year I cannot say; we expect it will be something more than that for 1886.

5382. Lord Justice FRYGROVE.—How do you apply this money received from South Kensington?—A part of that money goes to the support of the Science Hall, which is a special department in connection with the school, and filled with mathematical, physical, and chemical appliances. In the year 1881 the Corporation of Waterford made up £108 by voluntary subscription to add to the stock of instruments we had then already in our hands.

5383. Professor DONOVAN.—Was the gift by the Corporation of Waterford out of the city rates or was it raised by voluntary subscription?—It was raised, I understand, by voluntary subscription with the object of increasing our stock of scientific appliances.

5384. Dr. TRAILL.—Did you get a grant from South Kensington opposite to that amount?—South Kensington has given us appliances to the value of, I suppose, about £24. I would have been charged £48 for these instruments if we had not been connected with South Kensington at the time we got them. The money we got from the Corporation was collected by a committee of gentlemen belonging to the city.

5385. But did you not get a grant from South Kensington equal in amount to the money collected?—No, that was before our connection with South Kensington. It was when we were only a voluntary school.

5386. Lord Justice FRYGROVE.—You were able to put about 150 of your boys in elementary art?—Yes.

5387. Do you teach drawing in all your schools?—In about half the schools. Those who are not sufficiently advanced in the junior schools draw on slates; but you cannot call it drawing, it consists merely of drawing straight lines. But the lessons proceed in difficulty from school to school.

5388. Have you got an account of your endowments with you?—Yes.

5389. Dr. HANLEY'S bequest, I see, is £92 6s. 3d. only—£100 Irish. The Rev. Dr. HANLEY was Bishop of Waterford at the beginning of the century, at the time when Mount Zion was founded?—I have divided the bequest to show that part of it belong to the community; the share that goes to the poor boys and for providing books is £18 6s. 3d.

5390. How does your share of this endowment reach you?—From the Superior-General in Dublin.

5391. Dr. TRAILL.—Who are the trustees?—I think the trustees for this amount are our Superior-General and the Bishop.

5392. Lord Justice FRYGROVE.—What is this next bequest, Mary Power's Charity, £40 2s. 6d.?—That arises from £1,000 precisely.

5393. Do you know how that endowment is situated?—That, I believe, comes from the Commissioners of Charitable Donations and Bequests to the Bishop of Waterford, and he then sends it to me to dispose of; but that is only a part, this part is for the

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Rev. Dr. J. J.  
G. Frendy.

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Rev. Dr. Jas.  
G. Traill.

Christian Brothers for the education of poor boys. But there are other parts of this endowment of which I have only to keep the accounts. These go to an old ladies' asylum in Waterford, and to the Presentation Nuns' schools for clothing.

6504. Do you know how it is apportioned between these various bodies?—I think I have one part, the nuns get two parts, and the old ladies' asylum three parts.

6505. The next I see is the Delany and Congrave charity, what is that?—That, my lord, has ceased, and I am sorry to say as to how it ceased I cannot exactly find out; I have made several efforts, and all I can discover exactly is that it ceased about 1850 or 1851; it arose from the rent of a house, and I believe with the cessation of a lease of some kind, the portion that came to our schools as a charity also ceased.

6506. Dr. TRAILL.—Where was the house situated?—I think in Patrick-street in the city.

6507. Who has it now?—It reverted, I think, to the original landlady.

6508. Lord Justice FRYGIMON.—You have been rather unfortunate in that way. I see that you do not receive the income bequeathed to you arising from some other houses in Patrick-street?—That is so. We keep a book called the "History of the Order," and in looking over that book I find it recorded that we lost that endowment by reason of a flaw in the will of J. Power. The trustees of the Hospital of the Holy Ghost, it seems, were able to wrest that endowment from us on account of this illegally-drawn document. It was not through any fault of the Mount Zion community that the endowment was lost.

6509. Nicholas Power's bequest, £5,000 stock; who has the administration of the income arising from this?—Generally, I think, the Bishop. I find from the history that I have mentioned that there has been an increase in this, owing to the increased cost of living. It is devoted to the payment of two teachers, and the increased endowment now amounts at £70 a year. This increase was, as I have said, due to the increased cost of living. The endowment is divided, £35 going to the support of each teacher.

6510. Who holds this stock?—It is trusted in Three per Cent stock, and comes to me through the Superior-General in Dublin.

6511. Dr. TRAILL.—Why does it not give you more than £70 a year?—There is a portion of the income devoted to Rogation Masses for members of the Power family; and then there is another portion of it, £4 10s. I think, goes towards clothing for poor boys attending St. Patrick's Schools.

6512. Do you know who holds the certificates for this stock and these leases?—I think the leases are kept by the Superior-General in Dublin, aided by a governing body consisting of three members of the Order, who are elected for the purpose of assisting him in these matters. I have been told that they are kept in an iron safe in Dublin.

6513. Lord Justice FRYGIMON.—I find an immense increase in the number of boys attending your schools since 1850; have you been extending the schools?—I think possibly the increase is due to the fact that St. John's was not included in the last report. I think reference only was made in that report to endowed schools.

Dr. TRAILL.—Even so, there is an increase.

6514. Lord Justice FRYGIMON.—As far as I can make out these endowments come to about £300 a year?—About £330, I think.

6515. Now what other sources of income have you to pay the teaching establishment of the school?—Well, I have a number of small bequests amounting in the aggregate to £400; these are invested by myself, and were given by certain people in the city; this amount produces an annual income of £14. That is the sum total with regard to the bequests. Then we

have an annual collection through the city once a year producing from about £220 to £330; this amount fluctuates. Then there is a weekly penny collection through the city, which, I may say, I would be glad to have done with if I had any other means.

6516. Dr. TRAILL.—Is that penny collection made every week through the city?—Yes, it is a weekly collection.

6517. How much does that bring you in every year?—Well, about £100. However, it varies very much, sometimes rising to £115; the fluctuations of this fund are terrible; it has fallen as low as £90 one year.

6518. Then that gives you altogether about £700 for all the schools?—Yes, about that; but in your calculation you have not taken into account the cost of collection, which amounts to something every week.

6519. Lord Justice FRYGIMON.—If there was money available for you, to what purpose would you devote it?—To the payment of monitors in our schools. The schools are at present in debt to me—I mean by that, in debt to the community. I have advanced more towards the support of the schools than I have received from them.

6520. Professor DOUGHERTY.—Have you applied any portion of the results fees received from the Intermediate Board towards the payment of monitors?—Certainly. But I hold what I get as results fees not for the schools exclusively. I do not regard the schools as entitled to the results fees of the Intermediate. I regard as the income of the school the fees received weekly. What comes from South Kensington and the Intermediate, as results fees, I look upon as belonging to the school exclusively, but as funds which I may use for the benefit of the school or the community. The schools are, at this moment, I believe, in my debt to the amount fully of £170 or £180; this is money which I consider should justly belong to the community.

6521. When you say "debt" you mean that that amount has actually been expended on the schools?—Yes.

6522. Lord Justice NARIN.—Then at the beginning had you no fixed arrangement with the parish or the Bishop about the annual stipends?—We have made stipendials as to the stipends for St. John's Schools only. For the rest we must depend upon the annual and weekly collections and take our chance.

6523. Lord Justice FRYGIMON.—What amount pay salaries, in addition to what you have now, would be sufficient to pay an adequate staff of monitors, and put your establishment on a secure basis?—Well, suppose I take the maintenance of the community as the most necessary part of the machinery (for without teachers you cannot have a school), including all the expenses for the payment of a doctor, discipline, clothing, furniture, rents, recreation, incidental expenses, &c., I would not be able to say that less than £50 a year per head of the number in the community would be sufficient. I am now taking the support of the community as the first question, all the others I shall treat of afterwards. Fifty pounds per head for seventeen persons is the lowest at which I can calculate the actual cost; that would amount to £875. The rents of Mount Zion alone I should tell you come to a considerable sum.

6524. I thought you were only subject to a rent of £2 5s. 6d.?—No, our total rent is £28 3s. 6d.

6525. But that must be for additional premises you have acquired?—No; I think the ground was not wholly bought out. (Here the witness put in a map and showed that the Mount Zion premises were held under several titles).

6526. I want you to give us the amount which it would require to pay your staff of monitors?—Well, twenty-eight monitors, at an average of 4s. a week, forty weeks is the school time, and that would bring

the cost annually for the twenty-eight monitors up to £224 a year. I have actually paid last year for monitors £189 8s. 2d.; but some of the monitors are only paid for half a day's work, these only teach during a part of the day. But you may put down as an average £10 a year for each monitor, that would bring the whole cost of the monitorial staff up to £280 for the whole year.

6016. What salary do you pay your teacher?—He is paid £52 per annum. He could, however, be paid out of the result fees received from the Intermediate if I had the means of paying the monitors.

6017. If you were paid on the same scale as the National Board pay for results what amount would you receive for your school?—I think, my lord, it would be safe to say that it would amount to fully £1,000 a year.

6018. Dr. TRAILL.—Does that include salaries, or is it merely gratification for?—I mean for everything.

6019. How much would the gratification fees amount to in your schools?—I think we would have about £1 a head for the results fees of the boys; this I have estimated on, from 1,000 to 1,100 children in daily attendance would bring us in fully £1,000 a year; pay on that scale would give us means in abundance for maintaining the schools.

6020. Lord Justice FERGUSON.—Do you think your system would be applicable for imparting a sound primary education?—It is intended for that purpose, and judging by results it has been highly successful in doing so.

6021. May I ask what is the difficulty that prevents you getting that large sum in results?—Religion alone.

6022. Where does that practically interfere with you, does the difficulty arise from the particular books you use?—Well there is a difficulty about the extensive use of our own books in the primary schools. These books have been compiled at great expense of mind and purse, and have been used by us with marked success for over three-quarters of a century.

6023. Don't you, as a matter of fact, use the National Board books for children in the junior classes?—Not one here; we use our own books here exclusively. But if you refer to the higher classes as the Intermediate class we of course use books not our own.

6024. The Christian Brothers' books are all primary books, I believe?—No, not all; we have histories and other class books of a literary character compiled for the higher classes in our schools.

6025. I suppose it is in the teaching of history that the difficulty about the use of the books comes in?—Well no not in the history alone. From my own experience as a teacher, I can assure you I have often found myself elevated, after a hard day's work in teaching, by reading a passage from one of our reading books. There is a tone and style about them that you will not find in any other class book. There are selections in them appertaining to the relations of the soul with God, to the eternity of the soul, and other kindred matters, which, every one, who reads them, must feel are teeming with genuine religion.

6026. Dr. TRAILL.—Then you do not like calvarious reading books?—No, I do not.

6027. Rev. Dr. MOLLAT.—You mean that your literary books have a religious tone?—They have not only a religious tone, but they have an elegant style about them.

6028. Lord Justice FERGUSON.—You are not going to make it a matter of principle in religion what text book on trigonometry you use?—I can assure what Mr. Traversy said about our books in the House of Commons. He said if he were asked why the Christian Brothers' books were not used in the National schools, he could not give a reason why they should not be used. We endeavour to make our books interesting and instructive.

6029. Dr. TRAILL.—If the State were to give you

aid would you object to State inspection of the books?—Not in the least. When the Duke of Devonshire inspected our schools at Lismore, I took the opportunity of presenting him with a complete set of our books as we were anxious that he should see them by reason of a great number of the children of his tenantry coming to our schools, so that he might see what we were teaching them. I presented him with two sets, one set each for his grandchildren whom he brought with him to see the school. He wrote me afterwards a very kind letter approving highly of the books, and Lady Egerton herself also wrote me a letter approving of the books, saying that both she and her children had derived much information and pleasure from reading them.

6030. Lord Justice FERGUSON.—Then, as Dr. Traill has asked you, you have no objection to State inspection of your books?—Certainly not.

6031. Lord Justice NAIRN.—But inspection is one thing and the power of veto another; would you believe in the State having the power of veto over the books?—I believe in the State having the approval of the books. If there were anything in the books which would be offensive to the State, which I am quite sure there is not, I would not object to the Government exercising a power of veto and enjoining the lesson; but on subjects of a religious nature we must be allowed to exercise our own judgment, for that is what the State itself claims and it should be granted to others as well.

6032. Dr. TRAILL.—Are your schools open to Protestants?—Yes, although we warmly expect that they would attend our schools. I had them at our schools at Lismore, independent of the State aid.

6033. Then would you consider that the State, in case you had State aid, had a right to object to anything in your books which might interfere with the beliefs of the Protestants attending your school?—The course I adopt is this—when a Protestant parent applies to me for the admission of his son to our schools. I say "Very well, I shall admit your son, but our schools are Catholic schools, the teachers are Catholics, the whole tone of the place is Catholic, but we will do our best to give your child a sound secular education, he can leave at the time we give religious instruction to the Catholic children."

6034. But the school books themselves are religious?—But there are also many of the books, such as writing and drawing-books, that cannot have any religious tinge about them. There will be necessarily in every religious denomination particular beliefs and tenets held, and practices observed, which Christians of another denomination will object to. And if you produce a book yourself it will necessarily reflect the colour of your mind, and have the stamp of your beliefs impressed upon it.

6035. Would you expect the Protestants who might go to your school, if you had the State aid, to use your books?—In the present state of education, it is practically denominational both in the North and South of Ireland; you have really one denomination attending our school, and each class supports its own establishments. And the Government really gives denominational education. When this is the state of affairs, I say they should not hind us down and force us not to have denominational education.

6036. Lord Justice FERGUSON.—This question of the books has little to say to the evidence which we require; but I believe there is a difficulty about the emblems which you use in your schoolbooks?—There is a difficulty about that matter, but I may say at once, that if the removal of those emblems is to be made the condition of the Government grant, I would prefer to do without it for ever. People do not use a rule object to the head of Her Majesty being stamped on the coins which are handled every day, and in the same way we say that there can be no objection to the picture of the Blessed Virgin or of Our Lord being used in our schoolbooks.

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Rev. Dr. Jas. C. Fawcett.

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Rev. Dr. Jas.  
C. O'Leary.

6637. Dr. TRAILL.—Is there a picture of the Queen in your schoolrooms?—As a matter of fact we put up a picture of Her Majesty in the old manse from which I came, the picture was in the refectory, and I may tell you that we hold Her Majesty in high respect as a very worthy Sovereign.

6638. Lord Justice FRYGEMAN.—Is there any distinction made between the time of imparting religious and secular instruction, or do you impart them promiscuously?—Not at all; we have a separate half-hour for religious instruction. The religious instruction is given from 10 o'clock to 10-30 in the morning. This instruction is exclusively religious.

6639. Do you find, as a teacher, that it is necessary to make a distinction between religious and secular instruction, in other words that you cannot impart them to children promiscuously?—Undoubtedly I do. But at the same time there will be small matters crop up during the day which will have a bearing upon religious subjects. Our children, for instance, are taught to say a short prayer when the clock strikes; and they are taught, when they enter the school, to kneel down and say a short prayer. In the evening before dismissal they also kneel down and say a prayer. The school opens with prayer, but there is nothing sectarian in the prayer that is used.

# FRIENDS' PROVINCIAL SCHOOL, NEWTOWN, WATERFORD.

Edward Garnett, Superintendent and Head Master of the School, sworn.

Edward  
Garnett.

6640. Lord Justice FRYGEMAN.—Under whose management is the school conducted?—It is under the management of a committee, appointed at the Quarterly Meeting of those Friends who are members of the Minister province.

6641. That is, I suppose, the organised body, in Minister, of the Society of Friends?—Yes, they are members of the Society of Friends.

6642. I believe you have an endowment under the will of Robert Grubb, which produces annually £11 la. 6d., then there are other endowments and a sum of £300 invested in legacies bringing in a total £208 9s. 6d.—Yes.

6643. I see there was also in 1838 an endowment consisting of a house and some landed property, a portion of which was let, bringing in £90 a year?—Yes, that is a share of landed property, part of which goes to the Mountmellick School; it is in the hands of the Friends of the Leinster province. When the Commission was round the last time, the two schools, Newtown and Mountmellick, were united, and the accounts kept together, but now, since 1854 (?) they have been separated, and that property which you have mentioned, being left for the education of girls has been taken possession of by the Mountmellick school.

6644. You had also at that time some debenture stock?—That stock still belongs to us.

6645. Who are the trustees who hold the property?—The present trustees are Samuel White, William White, Henry Bell, and Francis Walpole.

6646. They are members of the Society of Friends?—Yes, all of them.

6647. I believe your school is entirely a boy's school?—Yes.

6648. Are the pupils all boarders?—Yes, they are all boarding pupils.

6649. And are the boarders at your school the sons of members of the Society of Friends?—Yes, the majority are. Those who are members of the Society of Friends are recommended by the Friends of the locality to which they belong.

6650. What terms are charged for the pupils?—The terms are various. We charge rates of payments from £35 per annum to £44 per annum. This is the highest we charge, £44. The rates are regulated according to what the parents of the children can afford to pay.

6651. Do these children who enter at the lowest rate, pay the fee or is it paid for them by the Society?—The parents of the children pay it, or if the parents are unable it is paid by the Monthly Meeting.

6652. Is the benefit of the institution in this respect confined solely to those who are members of the Society of Friends?—Yes, it is.

6653. Then boys who enter the school and are not the children of members of the Society of Friends are charged such a rate that they do not come under the endowment at all?—Yes, these boys are charged the highest rate. Such boys are admitted only on the

approval of the Committee of Management, and with the understanding that they shall conform with the school to the rules and regulations in the same manner as those boys who are the children of members of the Society of Friends.

6654. How many pupils are attending the school at present?—We have only twenty-nine boys at the present time.

6655. How many of these are the children of members of the Society of Friends?—All, but six of them are the sons of members of the Society of Friends; twenty-three are members of the Society of Friends, the remaining six are not.

6656. What fee do those six boys pay?—They pay £44 per annum; it is the special rate we charge for such boys.

6657. What is the course of education in your school?—It embraces the usual branches of a sound English education; we look upon it as an English and commercial education, and includes drawing, elementary science, measurement, geometry, algebra, French, and Latin. We have it in the prospectus (paper handed in).

6658. I see you teach French and Latin?—Yes, but with regard to those subjects, the course of Latin is necessarily limited, it is hardly what you would call a classical education.

6659. Now, Dr. MURRAY.—How is it that the number of pupils at the school has been reduced since the report of the last Commission. The number was forty-eight in the year 1880?—Yes, we had forty-eight pupils then. But why they are reduced it is difficult exactly to say. This present year we lost a good many boys at the summer vacation; twelve boys left at that time and only six new boys entered, and that itself is a good deficit in one year.

6660. Lord Justice FRYGEMAN.—What teaching staff have you got at the school at present?—At present our staff consists of three assistant masters and myself, who am the superintendent.

6661. How are their salaries provided?—They are provided out of the school funds, the endowments, annual subscriptions, the annual income of the school, and the payments of the children.

6662. Then you have got an annual subscription list in addition to the endowments?—Yes. The annual subscriptions last year amounted to £91 15s. However that is an item that is gradually diminishing in amount from year to year.

6663. Dr. TRAILL.—Why is the annual subscription list diminishing in amount; is it because of a diminution in the numbers of your body?—Partly that has something to do with it; and it is also partly due to the fact some do not care to subscribe to the fund.

6664. The diminution you say has been gradual?—Yes, it is a gradual thing; it is not much every year, but in the course of ten or twelve years the diminution comes to a considerable item.

6665. I believe your school is organized in exactly

the same way as those of the Society of Friends at Lisburn?—Yes, I suppose that is the case; but our school is not connected in any way with the Lisburn School. Here is a copy of the last report issued by our school. [Document handed in.]

6664. Lord Justice NAIRN.—Do you not teach Greek?—No, and we read a limited course of Latin only.

6667. What do you find the boys principally interested for by their parents; is it for a business life?—Yes; the boys are generally intended for a business career.

6668. I see a considerable item in your income arises from rents at Newtown?—Yes, that is the rent of a portion of land let for building.

6669. What is the value of the school buildings estimated at now?—The school has purchased the house itself, and the buildings are worth about £2,150.

6670. Dr. TRAILL.—How far is the school from this?—It is about one mile from the city.

6671. Lord Justice FRANKLIN.—Who collects the rents of the property belonging to the school?—They are collected by the treasurer by correspondence.

6672. How is the treasurer appointed?—He is appointed by the Committee of Management.

6673. Who takes charge of the various documents of title and certificates of stock?—I think the treasurer

looks after those things, that is so far as I have any personal knowledge of the matter.

6674. Dr. TRAILL.—Where are they kept?—I believe, in a safe at the school.

6675. How many free pupils have you at the school?—We have none, every boy attending the school has to pay either the reduced fee or the full fee.

6676. What does it cost to keep the boys?—It costs over £40 a head, that is dividing the cost among all the boys. Even the £40 would scarcely pay the standing expenses of the school. Even now with our reduced numbers the expenses are very much the same, and we now find that the actual average cost of each boy is something like £41.

6677. Lord Justice FRANKLIN.—This school does not come within the operation of the Act of Parliament. So far as you have any endowment, the benefit of it is exclusively confined to children of members of the Society of Friends. However, we have power to incorporate your present trustees, so as to prevent the necessity of constant convenancing and re-appointments. But it is for the governing body to consider whether they think this incorporation of the trustees would be advisable or not?—I may say that with regard to the trustees they are diminishing rapidly; two of them died very lately and two fresh ones had to be appointed.

Oct. 27, 1897.

Edward  
Gerrard.

# MASON CHARITY BLUE SCHOOL.

Captain Richard Clayton Carver sworn.

6678. Lord Justice FRANKLIN.—What is your connection with the Mason Charity Blue School?—I am one of the executors of the will of my father, Mr. R. T. Carver. He died since the last inquiry.

6679. What is the date of his death?—January, 1884.

6680. Are you the sole executor under your father's will?—No; I am an executor in conjunction with my eldest brother, who is at present residing in England.

6681. I believe the endowment consists of a rent-charge amounting to £257 7s. 6d., paid by the mayor and corporation of Waterford in consideration of a sum of £300 left by the Mason family?—Yes, I believe that is the case.

6682. Is that rent-charge payable to you?—To my brother and myself as trustees under the will of our father.

6683. I believe the schools were built by a Mrs. Mary Mason?—Yes, I understand that is so.

6684. There is also an endowment arising from a bequest of £1,000 by Counsellor Alcock?—Yes.

6685. The income arising from that endowment was, I understand, to be devoted to the purpose of providing apprentice fees and marriage portions for the girls attending the Mason School?—Yes.

6686. Does the income of this endowment pass also through your hands?—No; that, I understand, was a bequest to the Bishop, Dean, and Chapter of Waterford.

6687. Yes, that was left for the purpose of providing apprentice fees and marriage portions for the girls attending the Mason Blue School?—The Bishop and Dean have had little connection with the school at all, and, so far as I know of the matter, I do not think we have claimed that fund.

6688. Do you know if a claim has been made upon the fund by any of the girls attending the school?—Well, I could not say whether that has been the case or not, but the schoolmistress, who is here, will be able to answer that question much better than I can. I have only lately undertaken the management of the school, and in consequence I know very little about it.

6689. You cannot tell us how this Alcock endowment is held out?—No, I cannot.

6690. Who are the managers of the school?—The school is at present managed by my eldest brother and myself.

6691. Is it under the National Board?—I believe not.

6692. Who has the appointment of the teacher?—We appoint the mistress; it is a girl's school. We receive the funds and disburse them.

6693. How are they laid out?—Well, in the payment of the teacher's salary and the support of the school.

6694. How much do you pay the teacher?—£24 a year; her salary was raised within the last year to that amount.

6695. Dr. TRAILL.—What was her salary before it was increased?—It was £16 a year.

6696. Lord Justice FRANKLIN.—Is it by tracing your descent through the original founders, the Mason family, that you and your brother are the trustees?—Yes.

6697. How is it that you are both trustees?—Well, we were both executors under my father's will, and as such we took upon ourselves the management of the school.

6698. Did he make any mention about this in his will?—None whatever.

6699. Do you know that under the original deed in case of failure of heirs of your family the endowment would vest in the mayor of Waterford and the four oldest aldermen?—Yes, I believe that is the case.

6700. And do you not think that it would be an advantage to the school, in case such an event happened as the failure of your heirs, that there should be a larger body of persons associated with you in the management, in order to prevent it lapsing into the hands of the mayor and corporation?—Well, that event is so remote and the school so small, that I do not think any advantage would be gained by having a larger managing body.

6701. What is the total income of the school from its endowments?—The total income amounts to a little short of £40 a year.

Capt. Richard  
Clayton Carver.

Oct. 21, 1887.  
 apt. Richard  
 Clayton Carew

6701. If it were associated with some other school, or made the nucleus of a larger school, the endowment would be far more beneficially employed than at present; you see a great part of the endowment is taken up by the mistress's salary?—I may say I have been only managing the school for about two months. When my brother comes back from England, however, I think his wife will take a more active part in the management of the school than we have been able to do.

6702. Dr. TRAILL.—In what relation do you stand to the Mason family, the original founders?—I cannot say; I have asked our family solicitor about that matter, but he has been unable to give me any exact information.

6703. Do you not think it would be better to make arrangements to prevent a lapse of the trusteeship to the mayor and aldermen of Waterford as this is a Protestant endowment?—Well, my father managed it during his lifetime, and thought he was the person best entitled to do so, and so my brother and I as his representatives have taken upon us the management, thinking we had that right also.

6704. Would you not prefer that it was vested in a larger body of management so as to prevent this contingency which might happen?—Well, I would prefer to consult the other members of the family before I give a decided answer, for my own part I should prefer it was not done.

6705. Lord Justice FRYGROUSE.—How are the expenses of the school paid?—Sir are paid out of the school funds.

6706. You say you cannot tell exactly in what relation you stand to the Mason family?—No, I cannot say exactly, but I believe it was through a marriage. I have made several inquiries about this matter from the solicitor, but he could not tell me what was the exact relationship. However, I have examined some family papers and records, and have written down the following account of the school, which, with your lordship's permission, I will read. Lady Alcock, widow of Sir John Alcock, who was a near relation to the Mason family, appears to have managed the school prior to 1820, in which year she died, and her daughter, Mrs. Carew, of Ballinacorney, took the management of the school and retained it up till the year 1847, in which year she died. Robert Thomas Carew, esq., of Ballinacorney, then undertook the management and immediately paid off the balance, £40 6s. 3d., which had been owing by the school, the expenses having been for some years in excess of the income. Under the management of Mr. R. T. Carew a credit balance is shown at the end of each year, which in 1864 amounted to £108 13s. 3d.; a portion of this was then invested in the purchase of two old five per cent. preference shares in the W. and L. Railway, which absorbed £96 17s. 6d. The dividends of these have been duly claimed and credited to the school. In the year 1870 the balance to the credit of the school had again reached a high figure, £150 13s. 6d., and to absorb a portion of this two more old five per cent. W. and L. preference shares were purchased at £48 each, which, allowing for brokerage, reduced the surplus by £96 1s. In the year 1871 a new roof was required for the school-house, and in order to supply the requisite funds, three out of the four shares in the W. and L. Railway were sold, realising a sum of £151 17s. 6d., and the building was provided with a new roof at a cost of £150. In the year 1875 the remaining one share in the W. and L. Railway was redeemed by the W. and L. Railway Company at £50, and the surplus then amounted to £155. The following year two £50 four per cent. consolidated preference shares were purchased in the W. and L. Railway Company, absorbing £96 4s. 8d. These shares are now held by Robert Thomas Carew and Richard Clayton Carew as trustees under the will of the late Mr. Carew of Ballinacorney, and the half-yearly interest on the loan of £300 to the Corporation of

Waterford is also paid to them as trustees of the school funds. Mr. R. T. Carew died on January 20, 1880, and since that date the school has been under the management of the trustees above named, who are, respectively, the eldest and the second sons of the deceased, Mr. R. T. Carew. It has been the custom to distribute premiums to the children in money or books, in proportion to the number of days' attendance shown by the book at the end of each half year; and attendance at church on Sunday in the established dress of the school is taken into account in awarding the premiums. An annual outing and treat is also given to the children, usually to Ballinacorney Park, which they take full advantage of, and it is no doubt adds to the popularity of the school. Under the control of the present trustees, Mrs. Arner, the attendance has increased from four or five to sixteen at which number it now stands. The average cost of each child, as the number now stands, appears to be nearly £4, but should the number continue to increase the amount distributed in premiums could be substantially reduced, and the other expenses cut down. The funds at the disposal of the school would not, however, now be able to provide for so large a number as thirty girls which was originally intended, the income and expenditure being now about evenly balanced.

6707. I understood you to say that you are successors of Mrs. Carew, who had been managing the school?—Yes; she was my grandmother. She was a Miss Alcock, a relation of Sir John Alcock.

6708. What was the relation between Mrs. Carew and Lady Alcock?—She was her daughter. I think there were two daughters.

6709. Lord Justice NASH.—Do you know to whom the other Miss Alcock was married?—I am not sure. I could not answer the question without consulting family records.

6710. Lord Justice FRYGROUSE.—What strikes me about this school is the condition of the management. It is all very well at present so long as it is looked after, and so long as the help of the Mason family are alive, and reside in the neighbourhood of Waterford?—I am very sure when my brother and his wife come back from England to reside here they will look after the school, and work it up as my father did during his lifetime. I know the family would be very sorry if the management of the school passed out of their hands.

6711. But do you not think that some provision should be made in case the family ceased to reside in the neighbourhood of Waterford, and also to provide for the contingency of a failure of heirs?—As I have said before I would like to consult with the other members of the family before I give a decided answer on that point; but both events are very unlikely to happen.

6712. Then there is another point which requires looking after—Counsellor Alcock's endowment. The children attending your school have the first right to the income arising from this, and you cannot say if any of the girls who have been educated at the school had ever received a marriage portion or apprenthice from this endowment?—My lord, I think the schoolmistress will be able to give definite information on that point. I have been but a short time managing the school, but I understand that complaints were made to the trustees of that fund that it was not properly administered.

I think the proper course would be for you to communicate with your brother about this matter. We shall then be glad to receive any suggestions you may offer, both as to putting the existing endowment in a secure position, and also as to obtaining for you the right mentioned in the will of Counsellor Alcock to the income arising from this £1,000.

6713. Lord Justice NASH.—How many pupils are at the school?—There are sixteen attending it now.

Oct. 27, 1887  
Capt. Thomas  
Clayton Curlew

6714. Are they all day pupils?—Yes; there are no boarding pupils attending it at all. It is merely a small day school. The education is free, the children have nothing to pay for it.

6715. Dr. TRAILL.—How is it that the number attending it is so small?—I think the question of wearing blue clothes has interfered to a great extent in preventing more attending the school.

6716. Lord Justice FITZGERSON.—Do you know in the regulation with regard to the clothing enforced?—Yes, it is enforced under the old will.

6717. Do you know what relation Henry Alcock was of Sir John Alcock?—He was his younger brother.

6718. Dr. TRAILL.—Have you ever heard of any of those boys of Bishop Foy's School marrying any of the girls attending the Mason School?—I have never heard of any of them doing so, but it may have taken place without my knowing anything about it.

6719. Lord Justice FITZGERSON.—Would it not come to you that this £1,000, which seems to

have been left in the first instance for the benefit of the children attending the Mason School, might be obtained for the school by associating the Bishop, Dean, and Chapter, who are the trustees of the fund, in the governing body of the school?—I do not like to give any opinion of my own, because, as I have said, my brother will be coming back from England in a few months with his wife.

6720. Dr. TRAILL.—What amount of the endowment is left after you pay the teacher her salary?—About £36 per year.

6721. Lord Justice FITZGERSON.—The mistress has a residence besides the salary of £34 a year?—The residence is part of the school; the schoolmistress resides in the school. There are some lodgings which are not required for the purposes of the school; these had been let out for a long term, but that term fell in some time ago, and then the schoolmistress took them, and she pays a rent of 3s. a month for this part of the buildings, which goes to the revenue of the school.

6722. Does she sublet them again?—No.

Mrs. Armour sworn.

6723. Lord Justice FITZGERSON.—How long have you been mistress of the Mason Blue School?—Over sixteen years.

6724. What is the largest number of children you have had attending the school?—Sixteen is the largest number of girls that I have had at the school.

6725. How many girls have you at the school at present?—There are sixteen on the rolls now; when I came to take up the school I had only four.

6726. How many pupils had you in 1880?—I had twelve pupils then.

6727. Dr. TRAILL.—Can you tell me why the number taking advantage of the school is so small?—The girls when they come to the age of fourteen go out to situations or trades, and that, I think, is one of the reasons why the numbers are low.

6728. At what age do they enter the school?—They come into the school as young as four.

6729. And how many years do they stay at the school?—They stay until they are twelve or fourteen years of age, just according as they get situations or not.

6730. Lord Justice FITZGERSON.—In what subjects are the pupils instructed?—Reading, writing, arithmetic, needlework, and geography.

6731. They are the children of poor parents?—Yes, the children are poor.

6732. What becomes of them after they leave school—at what occupations do they earn their livelihood?—When they go out they generally go as domestic servants, as nursery maids, and other occupations of that nature.

6733. Do you know the ladies to whom they generally go as servants?—Oh, yes.

6734. Is it through you that the application comes?—Yes, the application is made to me, and then I speak to the local clergyman. When the late Mrs. Curlew was managing the school she liked to consult the clergyman of the parish in the matter of putting the girls out to service.

6735. Then the local clergyman assist you in the matter?—They do not exactly assist me, but Mr. Christie of St. Patrick's catechises the girls every Thursday.

6736. Dr. TRAILL.—Were you trained as a teacher?—No, I never was trained.

6737. It is a very elementary education you give the girls?—Yes. I went myself to the school first as a pupil teacher. I teach them reading, writing, arithmetic, and all kinds of needlework.

6738. Do you watch the subsequent career of the girls after they leave the school?—Yes, and they all turn out very well.

6739. Where do they usually go to live after they leave school?—They mostly reside in Waterford, and some of them have been married.

6740. Did any of them marry a boy from Bishop Foy's School?—Yes, one of them married a Foy's School boy, and they have two of their children at the school now.

6741. Do you know did she get any marriage portion?—She did, she got £10; she had to apply to the Dean and Chapter for it.

6742. Lord Justice FITZGERSON.—Do you know in what year the application was made for that marriage portion money?—I could not say.

6743. Why are there not more children at the school?—Well, there are other Protestant schools in the town.

6744. But there are a good many Protestants in the town?—Yes, but there are parochial and industrial schools in the same street.

6745. How many of the girls attending your school have got this marriage portion of £10?—Well, six, I believe it is confined to the girls of my school, but I have only applied for it in one case.

6746. Were there not other girls from the school married?—There was no application made except the one I have mentioned for the marriage portion; there may have been other girls married, but they did not get the marriage portion, so far as I am aware of it.

6747. But they cannot get the marriage portion without getting a certificate of good conduct from you?—So I have been told.

6748. Why do they not get apprentice fees if marriage portions are not given?—I believe they can get them from the Dean and Chapter without coming to me for a certificate.

6749. But do you know as a matter of fact whether they get apprentice fees or not?—I cannot say whether they get them or not.

Oct. 26, 1887.

## PUBLIC SITTING—FRIDAY, OCTOBER 28, 1887.

At the Courthouse, Waterford.

Present:—The Right Hon. Lord Justice FITZGERSON, and the Right Hon. Lord Justice NAHEU, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., D.S.C., ANTHONY TRAILL, Esq., LL.D., M.D., F.Y.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, Junr., was in attendance.

## ALCOCK'S APPRENTICESHIP ENDOWMENT.

The Right Rev. Dr. Day, Lord Bishop of Cashel and Bndy, Waterford, and Lismore, examined.

The Right  
Rev. Dr. Day.

6749. Lord Justice FITZGERSON.—It appears that Counsellor Alcock left a sum of £1,000, from the income of which was to be paid, in the first instance, if any such were required, marriage portions to the girls attending The Mason Charity Blue School, and, failing that, as apprentice fees for the same pupils; and, failing those two objects, then as apprentice fees for others to be nominated by the Bishop, Dean, and Chapter. The mistress of the school told us that during her time she has made only one application for a marriage portion on behalf of a pupil of the school, and with regard to apprentice fees, she does not seem to know much about the fund. We are anxious to find out from you, as one of the trustees, about this Alcock fund. The two funds—that of the Mason family and that arising from the Alcock bequest—appear to have been intended to be worked together, as far as it is possible to do so. Captain Carew is apparently anxious that the clergy of the parish should take an interest in the school, and we are of opinion that the clergy of the district might be associated in the management of the Mason School, and that provision should be made that the pupils attending the school should have the full benefit of this Alcock endowment, as they have undoubtedly, according to the terms of the original gift, the first right to it.

The Lord Bishop of Cashel.—As regards this fund, I am very sorry that the dean is not here to give evidence about it. I have been at his house, and he is, I am sorry to say, laid up to-day. The management of this marriage portion fund and apprentice fund, arising under the will of Counsellor Alcock and connected with the Mason School, has been left entirely in the hands of the dean. He showed me a bundle of receipts relating to the fund, which he would have produced had he not been confined to his room to-day. From what I gathered from him it appears that he has been giving apprentice fees of £3. He generally gives it in three portions, so as to secure that the young persons who have been put out to trades do not leave their apprenticeships before the end of the time for which they have been bound. He also told me that he gave marriage portions ranging, in such cases, from £10 to £5. The whole income of the fund is, I believe, less than £30, that is, the interest on the £1,000.

6750. Professor DOUGHERTY.—We have found in other places that the payment of apprentice fees of the amount you have mentioned is not really sufficient to obtain for the children getting these fees, under the changed circumstances of these times, any great advantage, and that the money would be far more beneficially applied in providing outfits for the children when they leave the school—I really cannot say anything about that, as the management of this fund has been entirely in the hands of the dean.

6761. Lord Justice FITZGERSON.—Do you not think that the clergy of the district and the trustees of the Alcock fund might be advantageously joined in the present management of the Mason school?—I am sure the clergy would be glad to be connected with the management of the school.

6752. How does your lordship think a governing body would be best constituted to look after this

school and fund?—Well, I have never thought of the matter, and it is a subject which would require some consideration.

6753. Lord Justice NAHEU.—In whose parish is the school situated?—I really do not know. I think it is on the borders of two parishes.

6754. Lord Justice FITZGERSON.—The school is a handsome building and is in nice order, do you not think that it is a building which might be made available for the teaching of children who are not at present so well provided with school buildings?—I suppose it might be, but I cannot say, as I do not know the school.

6755. Dr. TRAILL.—Captain Carew thought that the representatives of the Mason family should be practically the sole managers of the school. Would there be any objection to that on the part of the trustees of the Alcock endowment?—I think if you put in the scheme that the Alcock trustees should be added to the management of the school; I think that they should have a substantial share in the management as well as the representatives in that case.

6756. I suppose that if the apprentices fund of £1,000 were brought under the control of the managing body, it would put over Captain Carew's objection. He did not object to the enlarging of its governing body, but thought that the management of the school, the appointment of the teacher for instance, should be wholly in the hands of the representatives of the Carew family?—I would not be willing to undertake any responsibility concerning the school in that case.

6757. I suppose if the Carew family were anxious to put it under the National Board you would not allow that?—I do not suppose we would. But in any case I certainly would not allow my name, and I am sure the same in the case with the dean also, to be connected with the school at all, if we had no practical share in its management. I do not think it would be right to connect either the bishop or dean with the school if they did not share in its management.

6758. Then you think that if the bishop or the dean or any of the clergy of the diocese are appointed on the governing body they should have a substantial voice in the management of the school?—Undoubtedly I do, I think they should have a substantial share in it.

6759. Lord Justice FITZGERSON.—In cases of this kind, where the school is a private foundation, we have left the power of appointment of a master, or other teacher, in the hands of the representative of the original founder, so long as he is willing to act, and then, in case of refusal to do so, or in case of his inability from other reasons, the power is vested in a governing body, which usually consists of the local clergy, several of the local laity, and the original founder's representatives. But I am bound to say, from what Captain Carew said yesterday, that he is only too anxious that the school should be successful. The school at present is not in any permanent condition of security, it really depends for its management upon the presence of some member of the family of the original founder. And it is obvious that he should reside in or near Waterford, in order that the school may be successfully worked. It seems

a great pity to have a fine building like the present school, not made available for a greater number of children, and it appears that this is impossible, unless the clergy are associated in the management of it.

**The Lord Bishop of Cashel.**—I am sure the clergy of Waterford would be glad to take a share in the management of the school.

6760. I do not think that this Alcock fund is administered in strict accordance with the terms of the will?—I cannot say about that, the dean has the management of it.

6761. Professor DOCUMENTY.—I would like to ask you, with regard to this Alcock fund, whether you think an endowment for the purpose of providing marriage portions, a practically useful form of endowment?—Well, I think that the young people see good to get it.

6762. It does not tend then, so far as you know, to induce people to marry for the sake of getting the money?—No; I do not think it does.

6763. You think, then, a fund to provide marriage portions may still be usefully applied?—I think so.

6764. We have had evidence in other places that apprentice fees and marriage portions are out of date now. Is that the case in Waterford?—No; I do not think it is. I think if such funds are properly managed they are very beneficial.

6765. Do you think an apprentice fee of £5 very beneficial?—Yes; we have given fees of that amount,

but a larger sum, would, of course, secure the apprentice more advantage.

6766. Do you not think that the funds might be applied with far more advantage to the rising generation if they were employed in assisting to provide the means of technical education?—Well, that might be so.

6767. Lord Justice FRYGEMAN.—Do you think you could secure more support for the Mason school if we put the management on a wider basis?—I think if the management of the school were placed in the hands of the clergy, and such other persons as you might consider it judicious to associate with Mr. Carrer that subscriptions would be found to enlarge the salary, and obtain an efficient mistress.

6768. Would your lordship give any representation on the governing body to the subscribers?—I think they would prefer to leave the management to the local clergy.

6769. Dr. TRAILL.—The apprentice fund is exclusively managed by the clergy?—Yes.

6770. And the other endowment is for thirty poor children of all Protestant denominations?—I suppose so.

6771. Professor DOCUMENTY.—I understood you, my lord bishop, to say that the governing body of the school should be increased by the addition of the local clergy. I am anxious to know whether you would agree to put it on a still wider basis, and to associate lay men of other Protestant denominations with the management?—I think it would not be desirable.

#### CITY PROTESTANT ORPHAN SCHOOL, WATERFORD.

*Richard G. Ridgway, one of the Managing Committee of the Institution, sworn.*

6772. Lord Justice FRYGEMAN.—What is the foundation of your school?—It was founded in the year 1818, by several gentlemen who met together in the town hall, for the purpose of establishing a school by voluntary subscription, for the education and maintenance of the destitute poor Protestant children of the city.

6773. Have you any endowment attached to the school?—There is a sum of £100 given by a Mr. Penckford, and other bequests, but the treasurer, Mr. John Strangman, will give you the details of the endowments better than I can.

6774. How many children have you in the institution at present?—There are fourteen children altogether at present; three of them boys, and all the rest are girls.

6775. What is the usual age of the children in the school?—Well, they are mostly of all ages from three years up to twelve years.

6776. How are they admitted to the school?—They must appear before the committee of management with certificates of baptism, and notice of action must be given by the member proposing a candidate for admission, to the other members of the managing committee.

6777. By whom is this managing committee constituted?—It is appointed at the general annual meeting of the governors, which is held every year.

6778. Who are the governors?—They are those who subscribe one guinea a year or upwards to the funds of the school.

6779. Lord Justice NADE.—Was the income of the school derived from voluntary subscriptions?—Yes, a great deal of it was bequests.

6780. What does the annual income amount to?—It comes to about £199 18s. a year.

6781. Have you a balance sheet of last year?—Yes. [Paper handed in.]

6782. Lord Justice FRYGEMAN.—I see by your last report that a sum of money called the "Bell bequest" is lying in the Court of Chancery. Can you tell me what this Bell bequest is?—That was a sum

of money that was left in the hands of Mr. R. W. Cherry, and he died, and we found great difficulty in getting it from the late Mr. Cherry's son. He, for some reason or other, put the thing in the Court of Chancery.

6783. Has the money been actually lodged in the Court of Chancery?—I believe so.

6784. Do you know what the amount of the Bell bequest is?—It is a sum of about £300.

6785. Dr. TRAILL.—Is there an action going on in the Court for the recovery of this money?—I believe that the money has been lodged in the Court.

6786. Lord Justice FRYGEMAN.—I see you have got a number of other bequests here, the bequest of the late Humphrey Hughes, £200, grant from the trustees of Adam's trust?—I believe the bishop is one of the trustees of the Adam's fund.

6787. Is that an annual donation?—No, some years we do not get anything at all from it. It is just according to the state of the funds.

6788. Then comes the Whitney bequest, amounting to £21 3s. 2d., and then I see there are about ten different bequests all together?—Yes, the treasurer knows more about these funds in detail than I do.

6789. Dr. TRAILL.—I suppose the institution is for all denominations of Protestants?—Yes.

6790. I see the Lord Bishop of Cashel is the President of the Society?—Yes, and there is both a ladies' and gentlemen's committee in connection with it.

6791. Are all denominations of Protestants represented on this committee?—Well, the committee is appointed annually at the general meeting, and if Protestants of other denominations, who are duly qualified by subscribing to the institution, are proposed, there is no objection to them serving in the committee.

6792. Professor DOCUMENTY.—Are there any Methodists or Presbyterians on the present committee?—It so happens that this year all the members of the managing committee are members of the Church of Ireland, but it is not always so.

Oct. 29, 1887.

The Right  
Rev. Dr. Day.

Oct. 19, 1891.  
John Strongman.  
Esq.

John Strongman sworn.

6793. Lord Justice FREDGUY.—You are treasurer of the Protestant Orphan School, I believe?—Yes.

6794. It is stated in the Report of 1880 that a Mr. Frankford bequeathed a sum of money to the school producing an income of £3 11s. 10d. yearly—have you still got that fund?—Yes, my lord, but the payment of dividend is divided; it is now paid half-yearly.

6795. How is that money paid to you now?—I get it through the Bank of Ireland. I get an order from the trustees authorizing the Bank to pay the income to me; the money comes to me as hon. treasurer [document handed in].

6796. I see that you have got the names of the trustees here?—Yes.

6797. Are they all resident in Waterford?—They are.

6798. Are they all members of the Church of Ireland, or any of them members of another Protestant denomination?—They are all members of the Church of Ireland.

6799. The next bequests I see referred to are those of Francis Martineau, £100, and Mr. Stone's, £250. Is—do you know anything of these?—I think those must have been laid out upon the buildings.

6800. The next item is one sixth share of a year's rent of the estate of H. Kennedy, per J. R. Lecky—what is that?—Here it is, my lord.

6801. How do you get this money?—I get it through a Mr. J. R. Lecky, who resides at Tinnore, and who sends it to me. It is only a sixth share of the estate of Mr. Kennedy.

6802. The next is a year's dividend on the Apprentice Fund?—Yes; the surplus of that is to be used on the repairing of the house; we have invested that in Waterford and Limerick Railway Preference Stock, £400 at four per cent.

6803. Then we come to the dividend on Mrs. Kennedy's bequest?—That is in Government Stock, Three per Cent. The amount of the stock is £303 7s. 6d.

6804. What about Dr. O'Connell's bequest, from which you derive an income of £4 7s. 1d.—That is in 4½ per cent. Preference Stock of the Waterford and Limerick Railway Company; that is in the name of the same trustees as this other Preference stock. We got a notice from the Railway Company as to changing the names of the trustees who held this stock.

6805. Do you not think it would be better to get your governing body incorporated, and so save yourselves a great deal of trouble and expense?—I believe there is an impression among the Committee of Management that we are exempt from the Act.

6806. What about Miss Archdekin's bequest?—That is in the name of the same trustees. It is the interest arising from £100 Four per Cent. Stock.

6807. Is that invested along with Miss Carter's bequest?—No, it is separate; it is in two £50 Four per cent. Preference Shares, in the Waterford and Limerick Railway Company. Miss Carter's is a £50 Four per cent. Preference Share.

6808. Now we come to Miss Colclough's and Miss Strongman's bequests?—That is the same.

6809. What about the item—a half-year's dividend part of Dr. Carroll's?—That is mixed up with the late Humphrey Hughes' bequest—It is invested in the Bank of British North America.

6810. In whose names were these shares bought?—In the name of the existing trustees; they are on the certificate.

6811. When were the shares bought?—Last year, I think, these shares were bought.

6812. I suppose your trustees know that they are personally responsible for any deficiency or depreciation in these moneys?—I do not know that. I know they are now worth about £71 or £70 each share, and we bought them at about £67.

6813. Are there any other investments except

those you have mentioned?—No; we get donations from the Adams' trustees, but that varies just according to the amount the Dean and Chapter have in hand.

6814. You are not entitled to any fixed sum annually from this Adams' trust?—No; the Dean and Chapter need not give us anything if they like.

6815. Dr. TRANT.—Have you any idea what the Protestant population of Waterford amounts to?—I think between 2,000 and 3,000, but I have no idea as to what are the exact figures.

6816. Lord Justice FREDGUY.—Do you know anything of the losses of the site on which the school has been built?—I have never seen it.

6817. Do you not know how it is held?—All I know is that we have paid no rent for over fifty years, I believe.

6818. I understood you to convey that all those funds you have mentioned, and which are set out here in your annual report, are funds according to the will?—Yes, that is so.

6819. Can you tell if the purposes of the society are stated in any document?—Yes, here is a copy of the rules of the society.

6820. From these rules it appears that Protestants of any denomination can be admitted, and that a child of Catholics parents, but who is going to be reared in the Protestant faith, can also be admitted?—Yes.

6821. Lord Justice FREDGUY.—Have any Protestants but those belonging to the Episcopalian Church—I mean any Presbyterians or Methodists—been admitted to the governing body in past years?—No, not to my knowledge; before my time I hear there were some.

6822. Professor DOUGHERTY.—Do you take subscriptions from members of other Protestant denominations?—As a matter of fact they do not subscribe; if they did they would be put on the managing committee any year. We have no objection whatever to them being on the managing committee.

6823. Lord Justice FREDGUY.—It is very plain that this is an open endowment, and is certainly in great need of some legal status. You have now got all sorts and conditions of securities, and in the name of various trustees, which increases the danger of some of them being lost. The purposes of your society are well set forth in your rules, and you are not exempt from the Act, as some of the managing committee seem to think. You have a number of legacies here which form an endowment in the strictest sense of the word. What we should be inclined to do for you would be to incorporate your committee of management, elected as it now is, and thus relieve you of all the danger and difficulty you are in about your funds. The existing rules would practically be the same as those we have laid down for a similar body in Belfast—"The Ladies' Industrial School." It appears that, through want of something akin to what we propose to do for you, you have lost two or three items that were mentioned in the last report. It will cost you some time and money to get that "Bell bequest" out of Clonacerry. All this can be avoided in future when the managing committee has been incorporated under our Act.

Mr. ANDREWS.—My impression is, my lord, that Mr. Cherry, being solicitor for Mr. Bell's people, and the money happening to be in his hands at the time of his death, Mr. Cherry's executor did not think there was anyone who could give a proper receipt for the money, and so he lodged it in the Court of Chancery to protect himself.

Mr. RIDGEWAY.—That we believe, my lord, to be an excuse merely. It was the plea put forward at the time when we demanded payment.

6824. Lord Justice FREDGUY (to Mr. ANDREWS).—Was Mr. Cherry's estate solvent at the time of his death?

Mr. ANDREWS.—It was, my lord.

## SCHOOL OF INDUSTRY, LADY-LANE, WATERFORD.

Oct. 26, 1857

The Right Rev. Dr. Day, Lord Bishop of Cashel and Emly, Waterford and Lismore, examined.

6825. Do you know who manages the School of Industry, Lady-lane?—It is managed by a committee of ladies.

Day is the principal manager of the girls' school, and Miss Barron of the infant school.

The Lord Bishop of Cashel

6827. Do you know who are the trustees?—I believe that the trustees are Mr. Rylands, Mr. Post, and Mr. Harvey.

*Thomas Smith Harvey examined.*

6828. Lord Justice FRYCHESTER.—I believe you are one of the trustees of the School of Industry, Lady-lane?—I am secretary, trustee, and manager.

Thomas Smith Harvey.

6829. The school was founded I believe in the year 1818, as a free industrial school for boys and girls?—Yes, it was; but for some time past it has only been used as a daily school for girls.

6830. Of what do the premises consist?—Well, there is an upper and a lower school, but these are quite unconnected with the original Lady-lane School of Industry. The schools commenced in the year 1818 and was held on till 1863, and then it was closed; and after that some time the present school parties were allowed the use of the building.

6831. Lord Justice NASH.—But the present schools are carried on in the same rooms?—Oh, yes.

6832. Dr. THURTELL.—Who allowed the present occupants of the building the use of the school-rooms?—Well, it was the committee existing at the time the school was given up, in the year 1863.

6833. Lord Justice FRYCHESTER.—There were formerly some funds belonging to the original School of Industry?—Yes, I have the preservation of these funds.

6834. What purposes are they applied to now?—They are applied to the repairs of the school, and then I have given donations to the two schools now occupying the building of £5 and £10 a year.

6835. They formerly were, I see, £15 15s. 11d. a year?—Yes, but they are very small now.

6836. How are the present schools supported?—They are supported by subscriptions. Here is a statement of the present condition of the funds of the old school. [Document handed in.]

6837. The interest on £100 Irish Corporation bond, £3 11s. 4d. Alice Quinn's legacy, £3. Who is the legal owner of the Corporation bond?—Well, I suppose the secretary. I receive the interest every year from the Corporation.

6838. How long have you been a trustee for the school?—I have been trustee since the year 1863, I believe.

6839. Do you know how they were originally appointed trustees?—Well, they were appointed trustees by the committee in existence at the time—the managing committee.

6840. Is there any deed under which they are appointed?—I have no document of that kind. The only thing I have is a copy of the minutes. [Minutes book handed in.]

6841. How many of the original trustees are now alive?—Mr. Thomas Rylands, Mr. Edward George Post, and myself.

6842. You are the only one of the trustees who takes an active part in the management of the funds?—Yes. The only thing to rest in new trustees, my lord, is this £100 Corporation bond which I have in my possession.

6843. What is Alice Quinn's legacy; who holds it?—I hold nothing about that, but I receive the interest from Alderman Slaney.

6844. How is it secured?—I think he got it from the Commissioners of Charitable Donations and Bequests.

6845. But do you know how Alderman Slaney re-

presents the Commissioners of Charitable Donations and Bequests?—I thought he acted for them.

6846. The next is Mrs. Ulrich Poul's legacy, paid I see by Mr. T. N. Overend?—She left that as charge upon her property, and Mr. Overend sends it to me every year.

6847. What is the amount of it?—Two guineas Irish.

6848. The next item is such in the Waterford Savings Bank, the interest on that amounts to £2 9s. a year. In whose name is the bank book?—I think the book is in the name of the "School of Industry." I lodged the money.

6849. The next item is the rent of garden, Franciscan convent, £3 3s. 1d.—Yes, that piece of ground belongs to the school premises, and as it adjoins the Franciscan convent, the community took it into their ground and pay us the rent.

6850. Have they the ground under a lease?—They took it under a temporary letting.

6851. That makes the annual receipts £13 15s. 11d., and you have besides funds in the savings bank, £87 2s. 6d., together with such in the treasurer's hands amounting to £40 10s. 1d.—Yes, that money is in my hands at present. That is the surplus of that money I have mentioned. I have not put it into the bank with the other money, because I have to keep the premises in repair, and lately I have had considerable expenses in connection with the school, putting down a new flooring in the upper school-room; and since that I have also had to take down the ceiling and put up a temporary one.

6851A. Was it through being subscribers to the school that the trustees were originally qualified?—Not at all.

6852. How did they become trustees then?—They were appointed by the committee of the school.

6853. Who are they?—They are all gone now. I forget who were the exact parties. But the same parties I believe, are the subscribers to the school. I know they appointed me treasurer, secretary, and trustee.

6854. I presume the subscribers to the present Girls' Industrial School are the nearest persons corresponding to the late trustees?—Oh, no. This school which is in this building now is not the original Lady-lane School of Industry at all. The managers of the present school have nothing whatever to do with the original one.

6855. Dr. THURTELL.—Would not the best way to apply the funds you have got be to spend it on the present schools?—I am desirous of being released from Lady-lane School as soon as convenient, my health and age require it. I am willing to give my assistance in the new arrangement that may be required.

6856. But would you wish the money to be spent on these schools?—Well, yes.

6857. Lord Justice FRYCHESTER.—Was there ever any legal transfer of the trust property in your time?—I never recollect any sort of transfer since I became connected with the school. I hold the bond of the Corporation, and that is the only thing tangible except the money in the Savings Bank.

6858. What is the Frankford bequest?—The Frankford legacy was paid by the late Mr. Beasant. He used to come round here occasionally,

Oct. 16, 1897.  
Thomas Smith  
Harvey.

When he died his executor put the money into the Court of Chancery. I forgot exactly what the amount came to yearly, but I think it was about two guineas a year. But Mr. Bennett's executor, instead of handing me the money, put it into the Court of Chancery, and it cost me £25 or £26, I am not sure which, to get it out again.

5850. Where is that money now?—I put it into the Savings Bank.

5851. Do you know if the people managing the Industrial School have ever had a meeting?—No, of course not; they have all given it up long ago.

5852. But we have been a subscription list for last year!—Oh, yes, but that is another school entirely. That is another school which occupies the premises of the original school. We have lent the schoolroom to the other schools, but they are not the same school at all. Since the other members of the original school committee retired, they left the management of the funds in my hands, as I had been managing for them when the school was closed, and so I have continued to hold on.

The difficulty you are in is this—there never was any legal transfer of the property made to you, at least no transfer that would legally convey anything. But the Scheme that we would make under the Act would vest, without any conveyance, all the property in the governing body that might be selected. What occurs to us is that yourself, as one of the former trustees of the old school, and Mr. Rylands, as your only surviving colleague, and some other representatives of the working body of the school, should all be

associated together to hold the property, and that the committee of management should be elected every year by the subscribers to the school.

5853. Dr. TRAILL.—Did this endowment belong to any one particular denomination?—I think the trustees were all Protestants, but I know that the old school was open to all denominations.

5854. Do you know did any Roman Catholics go to the school?—I think Roman Catholics did go. I should say that the governing body of the old school mostly belonged to the Society of Friends.

5855. Professor DOUGHERTY.—You are, I understand, a member of the Society of Friends?—Yes, and so also is Mr. Peet.

5856. What is Mr. Rylands?—He is a member of the Church of Ireland.

5857. Lord Justice FITZGERALD.—You say that the school at present occupying the school buildings is not the original Lady-lane School of Industry?—No. The present schools have no claim upon this money at all. They have funds of their own sufficient to carry on their business, but I subscribe to them.

5858. Dr. TRAILL.—And you think that would be the best way of applying the funds—to devote it to the present schools?—I think it would.

5859. Lord Justice FITZGERALD.—Now, as trustee of the old school that has ceased to exist, and as representing the managing committee that has also ceased to exist, is it your desire that the funds you hold as surviving trustee should be applied legally to the existing school or not?—I would be quite satisfied that they should be applied to the existing school.

Mrs. Day (Superintendent of the Girls' Industrial School, Lady-lane, Waterford), sworn.

Mrs. Day.

5860. Lord Justice FITZGERALD.—We have heard from Mr. Harvey that there was formerly a school called the School of Industry in Lady-lane, but that that has been dissolved, and it is now a school managed by you?—Yes, assisted by a committee.

5861. How is this committee appointed?—The Dean appointed us as a committee, and we ourselves fill up our numbers as the members drop off.

5862. How many of the committee take part in the management of the school?—I am really the only one who takes part in the management, but there are other ladies who take an interest in the work of the school.

5863. You collect subscriptions?—Yes, we collect subscriptions. I do not undertake that part, it is Miss G. Benson who collects the subscriptions for the school, she is the treasurer. I only undertake the management of the school at the request of the Dean.

5864. What number of pupils have you attending the school at present?—There are from thirty-one to thirty-five every day in attendance in the upper school.

5865. How many pupils have you on the rolls?—There are now forty-five girls on the rolls with an average attendance of about thirty-five.

5866. What class of education do you give them?—Well there is what is called a very good English education given, including reading, writing, and arithmetic, and then all kinds of plain needlework are carefully taught.

5867. Are any of the girls attending the school going in for Intermediate education?—No, but we train them occasionally for entrance to the Church of Ireland Training College, Kildare-street, Dublin. We have sent up one to that place.

5868. To what class do your pupils belong?—They are usually the children of respectable citizens, there are not a very great many low class Protestants in Waterford.

5869. Have you any free pupils attending the school?—The children all pay 1d. per week as school fees.

5870. Is that uniform for the whole school?—Yes.

5871. What teaching staff have you got?—We have one teacher and an assistant monitor, who is paid £6 a year.

5872. What salary do you pay the principal teacher?—She is paid £40 a year, she is a certified teacher, she was trained at the Church of Ireland Training College, Kildare-street.

5873. Dr. TRAILL.—Was that under the old or new system?—Under the old; she has been with us eight or nine years.

5874. Lord Justice FITZGERALD.—Have you any gentlemen associated with you in the management of the school?—The Dean is the only one who takes part in the management. There is no one else connected with the committee but ladies, but we always consult the Dean when anything is required to be done.

5875. Does Mr. Harvey take no part in the management?—No, he merely keeps the building in repair, and gives us a subscription of £5 a year.

5876. It has occurred to us that the old school might be amalgamated with the existing school. Do you know would there be any objection to that on the part of the subscribers to your schools?—Mr. Harvey is quite willing that the funds of which he is trustee should be applied to the schools at present under your management?—Indeed we would be very thankful for them. We are very much strengthened for means with which to carry on the school.

5877. How much does your annual subscription list amount to?—£28 5s. for the year 1896.

5878. Dr. TRAILL.—Why are these two schools quite separately managed?—Well, they were always managed by separate committees.

5879. Lord Justice FITZGERALD.—Your committee for the upper school consists of seven ladies with yourself as superintendent?—Yes; I visit it two or three times each week to see that everything is going on right.

5880. Professor DOUGHERTY.—The school is not under the National Board?—No.

6893. In the event of your obtaining the funds of which Mr. Harvey is trustee, for your school, would you be satisfied that the management should be changed so as to give all Protestants an opportunity of availing themselves of the education given there?—All classes of Protestants do come to the school at present.

6894. Dr. TRAILL.—Do you teach all the children attending the school the Church catechism?—Yes, they are all taught the Church catechism unless they

object, and then, in case they object, they are not asked to learn it.

6895. Lord Justice FRYGIMAN.—I understand you to say that the school is really open to Protestants of all denominations?—Yes, we have all classes of Protestants at the school.

6896. And your religious instruction is not given to any child whose parents object to her receiving it?—No, if they object we do not give it to them; but I may say as a rule they never have objected to us instructing them in the Church catechism.

Oct. 28, 1887.  
Mrs. Day.

Miss M. Barron, Treasurer and Secretary of the Infant and Junior Boys' School, Lady-lane, Waterford, sworn.

6897. Lord Justice FRYGIMAN.—You are treasurer of what is known as the lower school in Lady-lane?—I am treasurer and secretary of the infant school which is held in the room under the industrial school.

6898. How many pupils have you on the roll, and what is your average attendance?—We have 103 pupils on the roll, and our average attendance yesterday and to-day, was, I think, from sixty to seventy, but sometimes it is from seventy to eighty.

6899. I see you got last year subscriptions and donations amounting to £37 15s.?—Yes.

6900. And then you have a sum of £4 16s. 9d., interest on an Eastern Telegraph Company bond. Is that an investment?—Yes.

6901. In whose name is that invested?—In mine alone.

6902. Then there is the donation from the Adam's Trust, amounting to £10; by whom is that paid?—That is paid to me by the Bishop and Dean, who are the trustees of the Adam's Trust.

6903. Then you have a donation from the trustees of the School of Industry £10. When is that paid by?—We got that from Mr. Harvey. He pays it to us.

6904. What fees do you charge your pupils?—We charge them one penny a week each.

6905. Dr. TRAILL.—Do they all pay a penny a week?—Yes, unless they are very poor, when I can remit it if I choose.

6906. Has the teacher been trained?—Yes, she was trained at the Church of Ireland Training College, Kildare-place, Dublin. She has been with me over three years.

6907. Then she is not the same teacher that is in charge of the other school?—No.

6908. How many assistant teachers have you got?—We have two assistants. We pay them £31 10s. per year.

6909. Have they been trained?—No.

6910. Lord Justice FRYGIMAN.—You have a committee of five?—Yes, and I am also the superintendent.

6911. How are you appointed?—I was appointed by the committee in 1873. I have been working there since then.

6912. Do you ever have a meeting of subscribers?—No; but we have a meeting of committee once a year.

6913. How do you fill up the vacancies on the committee?—I generally fill it up, and the rest of the committee agree. I propose some one for each vacancy. I manage the whole school.

6914. You have the use of the schoolroom separately by the permission of Mr. Harvey?—Yes, I pay him a shilling a year rent, and he keeps the school-room in repair.

6915. I suppose if the management of the funds of which Mr. Harvey is trustee, were given to a committee representing both schools, you would have no objection to the two schools being amalgamated?—

I would like to consult the other members of the committee before saying anything about amalgamation. Would the funds be put together?

6916. Lord Justice FRYGIMAN.—Yes.

Fryman.—I am afraid that would not be advantageous.

6917. But is it not you who collect for the other school?—No, it is my sister, Miss G. Barron.

6918. Dr. TRAILL.—Do you think you would lose subscriptions if you had the one governing body for the two schools?—I am afraid so.

6919. But would not Mr. Harvey's fund help you?—Yes, it would.

6920. Professor DOUGHERTY.—Would you have any objection to have the school thrown open to children of all Protestant denominations?—I would like to consult the other members of the committee.

6921. Dr. TRAILL.—Do you give the children religious instruction in the Church catechism?—Yes, they are all taught the Scriptures and the Church catechism.

6922. But if their parents objected to the children being instructed in the catechism would you insist upon teaching it?—Well, in that case it would not be taught, but I wish the school to be a Church of Ireland school.

6923. But in the upper school they do not force any child whose parents object to it, to learn the catechism?—That may be so.

6924. If they are all taught the Scriptures would not that be sufficient? Do you not think a knowledge of the Scriptures more important than a knowledge of the catechism?—Yes, of course, but then I should like to teach the children what I believe myself to be true.

6925. Lord Justice FRYGIMAN.—You would like to give your own interpretation to the Scriptures?—Yes, what I consider our Church's interpretation.

6926. Dr. TRAILL.—What difficulty prevents you putting your school under the National Board?—There is a school under the National Board in the town already.

6927. But why do you object to the National Board?—The reason I object to the National Board is—that we could only give religious instruction at certain hours of the day.

6928. Professor DOUGHERTY.—But as a matter of convenience and for the effectual working of the school, do you not find that at present you are restricted to certain hours of the day for religious instruction?—Yes, that may be so, but I object to being compelled to reserve religious instruction for certain hours. At present we open the school with a prayer and hymn, and close with a hymn and prayer, and we could not do that under the National Board.

6929. Rev. Dr. MOLLOY.—I suppose the ladies' committee would be quite willing that the gentlemen should be incorporated, and the property vested in them, and that the management of the school should be left to the ladies' committee?—Yes, that would satisfy us.

Miss M. Barron.

Oct. 16, 1887.

ST. JOHN'S COLLEGE SCHOOL, STEPHEN'S STREET, WATERFORD  
(WATERFORD CORPORATION FREE GRAMMAR SCHOOL)

Joseph W. Howard, Town Clerk, sworn.

Joseph W.  
Howard.

6927. Lord Justice FERGUSON.—Do you know how the arrangement existing in 1865, between the Corporation and the Managers of St. John's College, ceased with regard to this school?—I have no knowledge at all of that, my lord, because the Corporation has had nothing to do with that school for a number of years past.

6928. Rev. Dr. MOLLOY.—Did not the Corporation enter into an agreement with the Catholic Bishop of Waterford, to let those premises to him at £12 13s. 6d. a year? Was that lease ever made?—I think not, but I know that the resolution granting the lease has always been acted upon.

6929. Lord Justice FERGUSON.—In 1879 the premises were stated to be held on a lease from the Corporation to the Roman Catholic Bishop, but no lease seems ever to have been taken out?—Yes, there was a resolution to grant a lease to the Rev. Dr. O'Brien, the Roman Catholic Bishop, at the yearly rent of £12 13s. 6d., but that lease was never taken out, so far as I know, before the year 1879, nor has it been taken out since.

6930. Dr. TRAILL.—What is the date of the resolution of the Town Council agreeing to grant a lease to the Rev. Dr. O'Brien?—It was dated the 12th December, 1867.

6931. Rev. Dr. MOLLOY.—Is the rent still paid to the Corporation under that resolution?—Yes, it is paid to the borough treasurer. It is not paid to me.

6932. Lord Justice FERGUSON.—What is done with the rent after it is paid to the borough treasurer?—Well, then it is corporate property, and goes into the borough fund.

6933. What was understood was, that the Corporation made such a lease as simply shared themselves of any rent, and thus gave the property for the purpose of establishing these schools?—Well, I say that the rent goes into the borough fund, and afterwards the head rent is paid out of the borough fund.

6934. Do the Corporation take any part in the management of the school at present?—None whatever.

6935. Nor do you know how it is being used now?—As far as the Corporation is concerned, they have made a letting of the building, and farther than that they know nothing about it.

6936. Then you do not even know that it is used for a school?—Oh, of course we have a general knowledge that it is used for an educational purpose. As far as we know a school has been going on there for years.

6937. We visited it this morning, and it is now a school for the poorest class of boys; and it was formerly a high class school? I understood that it is only within the last few weeks that it has been turned into a primary school.

6938. Rev. Dr. MOLLOY.—The resolution states that the lease was given for the purpose of establishing a school in connection with the Catholic University, and that in case the building should cease to be used for an educational establishment, the Corporation could resume possession?—Yes.

6939. Lord Justice FERGUSON.—Is it not a fact that this school has generally an educational endowment from the Corporation, and on that account they have taken part in the management?—The Corporation have taken no part whatever in the management of this school that I am aware of, and I think the Corporation is eminently uninterested for such management.

6940. Then it would satisfy the views of the

Corporation if we can secure the premises for educational purposes?—I think so. The question, however, has never been mooted in the Corporation.

6941. Do you know what became of the endowment which they formerly gave as an educational grant to the College, has it been resumed by the Corporation?—No, they have not resumed it.

6942. Dr. TRAILL.—What was the amount of that former grant?—I think it was somewhere about £40 a year.

6943. Lord Justice FERGUSON.—Is not that paid now by the Corporation?—No, it is not.

6944. Lord Justice FERGUSON.—I suppose it has never been paid since Dr. Price gave up the premises?—I cannot say; I think not.

6945. Dr. TRAILL.—How long is it since Dr. Price left?—I should say that it is over twenty years at the very least.

6946. Was he evicted from the premises?—I cannot say that he was evicted. I have no official knowledge of the matter, and it is a long time since I looked up the matter in the Corporation records.

6947. Lord Justice FERGUSON.—Do you know whether that annual payment was a voluntary one or not?—I think it came down from the old Corporation; and there was, I believe, a condition attached to it that the master of the school should deliver a certain number of lectures in one of the city churches, I think St. Olave's.

6948. Do you know how this endowment was granted—was it by deed or otherwise?—I cannot say.

6949. Lord Justice FERGUSON.—Are you able to form any estimate of the value of the premises?—Well, if they were to be let tomorrow as a dwelling-house I do not think they would bring more than £12 13s. 6d. The buildings look as if they would bring more than they really would. You see the locality is deteriorated, and in consequence the value of houses property in the street has fallen very much. If the houses were let as a dwelling-house, it could be let only in tenements.

6950. Dr. TRAILL.—Do you know could it bring £27 a year?—I do not think it would. The house is too big except to let as a tenement house.

6951. Would it bring £10 a year rent in that case?—I do not think it would, the locality is of such a nature that you could not get a high rent. If the whole premises were put up to auction tomorrow I do not believe they would bring £10 a year, unless houses in the same street do not bring more than £10 or £12 a year.

6952. Rev. Dr. MOLLOY.—Is there any building going on in that locality now?—No, there is no building going on there now. Indeed the neighbourhood has fallen so low, that it has been proposed in the Corporation to clear away the old houses as tenementary. The situation is not good and the houses are inhabited by the very poorest class of people.

6953. Lord Justice FERGUSON.—It was used as a high class school for a number of years?—Yes, but a much better site could be got for such a school.

6954. Professor DODDINGTON.—Has the Corporation spent any money on the building?—The Corporation has spent no money upon the place since the date of the lease.

6955. Rev. Dr. MOLLOY.—Do you think that for the benefit of the city the purpose for which the school is employed at present is one of the most useful to which the building could be applied?—Yes, I think so.

Rev. Jos. G. Phelan, Rector of St. John's Ecclesiastical College, sworn.

OCT. 28, 1887.

Rev. Jos. G. Phelan.

6906. Lord Justice FRINGHAM.—I believe the school in Stephen's-street was formerly known as St. John's College School?—In 1858 it was called the Catholic University School; it was at that time in connection with the Catholic University. It was opened in 1853 or 1854. It has now ceased to exist as the College School. It was chiefly a preparatory school for our ecclesiastical college, and was known as St. John's College School.

6907. Who was the manager of it at that time?—I was manager of it while it was St. John's College School.

6908. How long did you manage it?—I was there for seven or eight years resident on the place managing it.

6909. What number of pupils had you at the school then?—We had a school of over 100 boys.

6910. Was it an Intermediate school?—Yes.

6911. How was it that it ceased to exist?—Well, the numbers attending our school was reduced by the Christian Brothers establishing an Intermediate school. Our charge was from five guineas to eight guineas, and they taught practically for nothing.

6912. Dr. TRAILL.—Did that charge include everything?—Yes, the fees we charged included stationery and books. I heard the superior of the Christian Brother's School state in evidence yesterday that the reduction in the numbers attending St. John's College School was owing to the Bishop of Osnery establishing a school at Kilmacow, this is a mistake; that I consider was not the reason why our numbers were reduced.

6913. Lord Justice FRINGHAM.—How long has St. John's College been established?—That college has been in existence since 1804 or 1805.

6914. Have the boys who attended at St. John's College School gone to your college?—Not at all, we have no day school attached to St. John's College. St. John's College is the diocesan college.

6915. Then there is no Intermediate School under Roman Catholic management in Waterford but the Christian Brothers?—None but the Christian Brothers' School.

6916. Is there no school higher than the Christian Brothers' for Roman Catholic boys?—None; at least no Intermediate School. The one we had was intended to supply that want, and was carried on successfully for years, until the Christian Brothers started their Intermediate School.

6917. Dr. TRAILL.—When was St. John's College School closed?—It was only closed last year as an Intermediate School.

6918. Then it was not, you think, because of any interference on the part of the Bishop of Osnery by establishing another school at Kilmacow that caused the failure of the school?—No; I decidedly think not.

6919. Lord Justice FRINGHAM.—How many pupils have you on the rolls of the school which now occupies the building?—There are over 300 boys on the rolls. These 300 boys were on the streets till the school was opened.

6920. They seem to belong to a poor class?—Yes, they are very poor. It has been for a long time in the Bishop's mind to open such a school.

6921. Are you a trustee for the place?—No. I have no legal connection with the place. I was merely acting with the Bishop. I was always under the impression that there was a lease for the place made out, and that it was handed over to the Bishop for educational purposes.

6922. Who pays the rent?—I have paid the rent since 1871, but I am not a trustee for the place. I was always addressed as the representative of Dr. O'Brien, and the Lord Bishop in matters regarding the rent; and I always took it for granted that there was a lease.

6923. Who is the manager of the school under the National Board?—The Bishop is the manager.

6924. What is the name of the parish in which the school is situated?—It is in St. Patrick's Parish, but the old name of the parish is St. Stephen's.

6925. Is that the Bishop's parish?—No, it is the condjutor Bishop's parish; it is at present under the administration of a condjutor.

6926. Who will be the manager of the new school under the National Board?—The Bishop.

6927. I believe that the present teachers belong to the Christian Brothers' order?—Yes, they are a French order; they are the original Christian Brothers; they are known as *les frères des écoles chrétiennes*.

6928. Will they receive salaries from the National Board?—Yes, they will receive salaries from the Board; they are certificated teachers under the National Board.

6929. Dr. TRAILL.—Whose money was spent upon the building in improving it?—It was the Bishop's money. It was money that was in the Bishop's own hands.

6930. Lord Justice FRINGHAM.—We saw that there had been a good deal of money spent on the building since we were here last?—That was money resulting from the fees of the students. I spent that money myself. When I came into possession I spent a great deal of money. The residence was in a wretched condition; the contract for improvements in connection with the residence exceeded £150, and that sum was provided out of the pupils' fees. The Catholic University also lost a good deal of money by it during the time it was in their hands. When I got possession there was six years' rent due upon the place.

6931. Was that paid off?—Yes, that was paid by me, or rather by the Bishop for me. At present the rent is paid up to date, and there is no debt due.

6932. Rev. Dr. MEARNS.—The value of the premises as a dwelling-house would not be very great?—Well, no; the rooms are too large for an ordinary dwelling-house. If the improvements had not been made, so as to suit it for school purposes, it would be more apt to be let as a dwelling house, it then would be in the same state as the other houses in the street.

6933. The street, I understand, is not a prosperous or thriving one?—No, it is in a very poor quarter of the city, and there are several houses in the street in ruins, and a number of others closed.

6934. Then it is, perhaps, a good thing for the Corporation to have a solvent tenant of the house at the present time?—I should say that it decidedly is. We have improved the place, and spent a great deal of money upon it.

6935. Dr. TRAILL.—How much did you spend?—During my time I spent over £400 in improving the place; but then I had a very successful school, I had over 100 pupils who were paying me.

6936. How many of a staff had you then to assist you in the school work?—I had four or five assistant teachers.

6937. When did it cease to be so successful?—Well, about eight or ten years ago. It became a preparatory school for our ecclesiastical college. The numbers fell from 100 to 80, and then to 50. The last year in which the school was open there were not more than twenty boys attending it.

6938. Lord Justice FRINGHAM.—To what do you attribute the decrease?—Well, I attribute it to the Christian Brothers opening an Intermediate department in their school, and teaching the pupils practically for nothing. In fact we have now no Intermediate school either for Protestants or Catholics in Waterford except the Christian Brothers' schools and the model schools. The respectable people

185. 26, 1887.  
Rev. Jas. G.  
Fisher.

of Waterford, as a rule, send their boys either to the Model Schools or the Christian Brothers', where they receive a very good elementary education, and then when the boys come to a certain age, about fourteen or fifteen, they send them off to Blackrock College or Clongowee Wood. I know several boys who have been sent by their parents to these colleges.

6969. Dr. TRAILL.—In whom do you think the premises ought to be vested in case we prepare a scheme for the school?—I think they ought to be vested in the bishop under the new scheme.

6970. Rev. Dr. MOLLOY.—You have a model school in Waterford, I understand?—Yes.

6971. Are there any Catholics going to it?—Yes; I think there are a few, but they are prohibited from going. It is really not practically available for Catholic boys.

6972. Dr. TRAILL.—Is the teacher of the model school a Roman Catholic?—Yes, and a very good one.

6973. Then why do you object to sending the boys there?—What we object to is the system.

Oct. 29, 1887.

## PUBLIC SITTING—SATURDAY, OCTOBER 29, 1887.

At the Courthouse, Kilkenny.

Present:—The Right Hon. Lord Justice FITZGIBBON, and the Right Hon. Lord Justice NADEAU, Judicial Commissioners; and the Rev. GERALD MOLLOY, B.D., D.Sc., ANTHONY TRAHL, Esq., LL.D., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, JUNR., was in attendance.

Lord Justice FITZGIBBON made an opening statement.

### KILKENNY COLLEGE.

Mr. G. D. Burtchall (instructed by Mr. James Poe) appeared on behalf of the Marquess of Ormonde.

The Right Rev. William Falcouster Walsh, Lord Bishop of Cacer, Ferns, and Leighlin, sworn.

The Right  
Rev. William  
Falcouster  
Walsh.

6974. Lord Justice FITZGIBBON.—I believe that you and the Provost of Trinity are the visitors of Kilkenny College?—Yes.

6975. Have you any control over the funds of the college?—None whatever.

6976. Have you any control over the master of the college beyond the general power of visitation?—No; we have no power over the master except the power to visit the school and report to Lord Ormonde our views upon the matter.

6977. Have you recently visited the college in your capacity of visitor?—The Provost and I visited it in January last, and reported to Lord Ormonde several things which we thought desirable should be done. On a subsequent visit we found that of what we desired to be done part had been done and part had not.

6978. What were the things you desired to be done?—Well, on our first visit we found that part of the college premises had been sold. This has now been discontinued since our report to Lord Ormonde. The other matter which we thought should be carried out was the execution of some repairs to the premises, and this has not been done. These were to have been finished by the 1st October. I believe that under the scheme of endowment Lord Ormonde can apply the endowment to carry out repairs to the building.

6979. In 1879, it was reported that the number of pupils in the year 1857 was forty-seven, and that in 1879, at the time when the Commission visited it, there were no pupils; are you aware whether there are any pupils at the school now?—There are none there now. I have visited the school within the last fortnight and found no pupils at the school.

7000. How long have there been none?—Well, I think for some time past there have been no pupils at the school. It has been gradually going down. I think there were two pupils at the school when the Provost and I visited it last January.

7001. Mr. Mahaffy reported that in 1879 there were three boarders and four day boys at the school. Has the number been much larger than that since 1879, or was the number reduced?—I think the number has been gradually reduced from year to year for a number of years past. I believe about three years ago there were only five boys.

7002. Have you formed any opinion as to the cause of the falling off in the numbers attending the school?—Well, I believe that when the vacancy occurred, and Mr. Weir appointed head master, that he was the only candidate for the post at the time. He was a very well known scholar at that time, and for many years had turned out admirable boys who were well taught. I need scarcely say that he is at an advanced age now, and he is not now, in consequence, able to give that energy to the work which is so necessary for the master of a large boys' school.

7003. Rev. Dr. MOLLOY.—About what age is Mr. Weir now?—Well, I should say he is past seventy.

7004. And has he a right to retain the mastership until he either dies or resigns of his own accord?—I think there is no provision in the deed giving power to anyone to remove the master.

7005. Lord Justice FITZGIBBON.—But who has the power of appointing a master for the school?—The master is appointed, I understand, by the Board of Trinity College.

7006. Rev. Dr. MOLLOY.—And is the appointment so made that the master retains his office whether he is efficient or inefficient?—I think so. I know the Provost and I, as visitors, have no power except to report to Lord Ormonde on the state of the school. In times past the school was a very celebrated one. I believe that Bishop Berkeley, Dean Swift, the present Bishop of Peterboro', the Provost of Trinity, and Dr. Newell were all educated there.

7007. Lord Justice FITZGIBBON.—Can you give us any suggestion how to make this endowment useful?—I think if, under the powers entrusted to your lordship, a scheme was drawn up which would preserve the original intentions of the founder there might easily be a board constituted which would manage the school successfully. I think, according to the terms of the old deed, the master must be an M.A. of one of the Universities. It is hard to get a master with the qualifications required by the deed for the small endowment attached to the school. I think the only thing that can be done is to turn it into an English school instead of keeping it up as a classical school.

7008. Dr. TRAILL.—But that would be a retrograde step?—Well, if you can increase the endowment it

could still be maintained as a classical school. But it is very few masters who are fully competent to conduct a classical school will take a salary of only about £100 a year.

Mr. Barckhoff.—It is £140 a year English, with a house and land, my lord.

7009. Lord Justice FRYGEMAN.—How much land is there?—I don't suppose there is more than an acre.

7010. Lord Justice FRYGEMAN.—There appears to be over nine acres according to the last report.

7011. Rev. Dr. MOLLOY.—Is the master allowed to take boarders?—Yes.

7012. Has he the houses rent free?—Yes.

7013. A large house with land attached rent free and £129 a year is not a very bad endowment for a master of arts?—Well, still the fact remains there was only one candidate.

Dr. TRAILL.—Coleraine, one of the most successful schools in the North of Ireland has only an endowment of about £180 a year.

7014. Lord Justice FRYGEMAN.—The founder appears to have been Chancellor of Oxford and Dublin?—I think there was another foundation, a much older one than that to which you are now referring. I think the foundation was renewed in the time of that member of the Ormonde family, but there was a much older foundation than that.

7015. I see there is also a paragraph of the deed dealing with the power of appointing the head master?—I rather think that power of appointment fell into the hands of the Board of Trinity College in consequence of the Act of Attainder.

7016. How long, as a matter of fact, is it since there was what you could really call an efficient school in this building?—Well, I should say at the time of his appointment he had a very efficient school, and for seven or eight years after his appointment.

7017. I understand that the Provost and you visited the school and reported upon it to Lord Ormonde?—Yes, we sent him a report, of which I have a copy. [The witness then read the following extract from a letter].—

Having in our capacity as visitors inspected Kilkenny College buildings, it is our duty to call your attention to certain repairs (Schedule of Repairs enclosed), which we consider necessary to be done in a workmanlike manner. We beg to call your attention to the fact that part of the building has been rebuilt; this has been done without our consent, and we direct you to obtain possession of that part of the premises and to restore them to their original state.

Since we reported to Lord Ormonde the repairs have not been executed, but the part of the premises subject have been surrendered.

7018. Did you examine the pupils who were at the school at the time when you made the report to Lord Ormonde?—There were only two pupils then, and we had not an opportunity of examining them. Perhaps I ought to say, as Mr. Weir does not appear to be here to-day, that the Provost received a letter of explanation from him.

7019. Professor DOUGHERTY.—Have you ever reported on the educational condition of the school?—Yes. In 1875, immediately after I came here, I reported on its educational condition to Lord Ormonde. The school was inefficient at that time in not having a sufficient number of pupils attending it, but the few who were there were well taught, I believe.

7020. Lord Justice FRYGEMAN.—Is there any reasonable prospect of a supply of scholars being obtained for the school in this neighbourhood if it is started once more?—I believe there is.

7021. Rev. Dr. MOLLOY.—How are the pupils who would attend the school provided for at present?—I believe they go to a private school.

7022. Dr. TRAILL.—Who keeps the private school?—It is kept by Mr. Creighton, I believe.

7023. Lord Justice FRYGEMAN.—Is it a university school?—I believe it is.

7024. Do you know how many pupils are attending Mr. Creighton's school?—I have been told there are thirty-seven boys at it.

7025. Rev. Dr. MOLLOY.—Does your lordship know of any Protestant boys in Kilkenny who are available for this school, and who are not going to any school at present in consequence of the closing of Kilkenny College?—I think not; but there are boys belonging to the neighbourhood who have had to go as boarders to other schools.

7026. We find that boarders are not usually sent to schools in their own neighbourhood, but are generally sent some distance from their homes. It does not appear, then, that as far as Protestant education is concerned, there is any want of additional educational resources in Kilkenny?—Well, I think it would be an advantage to have such boys going to Mr. Weir's school.

7027. Lord Justice FRYGEMAN.—There appears to be a private school, unendowed, competing successfully with Kilkenny College?—Yes, there is Mr. Creighton's private school.

7028. Supposing that a local board of control were established, on you suggest who should be the members of it?—Well, I think it would be desirable that the Provost should be a member of it, the Bishop of Ossory ought to be another, then those two might have the power of co-opting two or three others.

7029. Has there been any formal visit to the school except the one you mention of last January?—Oh, yes, I think so. Dr. Mahaffy came down and held an examination some years ago. He was distinctly deputed for this purpose by the Board of Trinity College.

7030. We find that in the North of Ireland, in the case of appointing managing committees for schools, it has been found beneficial to associate some of the parents of the boys attending the school with the managing body. Do you think that might be done in this case?—I think it would be well to associate some of the parents of the boys who pay fees with the managing body.

7031. Rev. Dr. MOLLOY.—But so far as Kilkenny is concerned success could only be attained for the school by drawing off pupils from other schools to which they are at present going?—Well, I think if there is an endowment available for the people of Kilkenny, they should get the benefit of it; that is my opinion on the matter.

7032. Lord Justice FRYGEMAN.—Is there anything in the regulations dealing with the class of education to be given at the school, or which your lordship can offer a suggestion?—I think it is not a good thing to make it necessary for the master who obtains the appointment to know Hebrew.

7033. But it is a necessary qualification under the deed of the original founder?—Yes, I know that; but I consider that such a qualification for a master of a boys' school is not at all necessary; it is out of place, I think, to make it incumbent on the master to know Hebrew.

7034. Would you make it necessary for the master to know Greek and Latin?—Well, I have no objection to him knowing Greek and Latin, but I do not think that it should be necessary for him to be a master of arts, which he must, according to the old deed.

7035. Do you think he should be a graduate of a university?—Well, that is more a matter for your lordship to settle.

7036. Lord Justice FRYGEMAN.—I presume the building is the most valuable part of the endowment?—The building is a very good house indeed.

7037. Do you know that the building was erected by the Irish Parliament in the last century?—I have heard so. But I believe there are additions to the house since that time.

7038. Rev. Dr. MOLLOY.—Do you know what part of the building represents the grant received from the Irish Parliament?—I cannot say.

On 19, 1887.  
The Right  
Rev. William  
Pakenham  
Weir.

Oct. 19, 1887.

The Right  
Hon. William  
Fenwick  
Walsh.

17036. Your lordship thinks that it would be an improvement if instead of requiring that the head master should be a master of arts, it were required only that he should be a graduate?—I think, perhaps, you might get a master who would do quite well for the Kilkenny school without being a graduate at all.

17040. Dr. TRAILL.—You mean as compared with some graduates?—Yes.

17041. Lord Justice FRYGIMAN.—Do you think that the class of education gives ought to include a middle class education, including Latin and Greek?—I think there should be a qualification that the master of the school, or some of his assistants, ought to be able to teach Latin and Greek; it would prevent boys of the neighbourhood being sent away to distant boarding schools.

17042. Mr. BARTCHELL.—The only points to which Lord Ormonde, for whom I appear, wished to draw your attention, were these two clauses in the charter of foundation with regard to the religion of the school. Lord Ormonde was also anxious that in any scheme that should be adopted, he should have a voice in the appointment of the master and in the control of the school. This voice he desires to have because he has to pay the endowment of £140 a year. He wished me to point out that he believed there would be evidence before you, that there was ample material in Kilkenny for the support of the school, but that from a variety of circumstances the school has failed, the boys being drawn off to other schools. The present master is not as physically capable of carrying on the school as when he was first appointed, and there is no way of making any provision, that, in case the master is not able to conduct the school, he can be supplanted by a man who is physically more competent to do so. There is no way provided of pensioning such a master, and carrying on the school under a younger and more energetic man. Lord Ormonde considers that there might be such powers vested in a governing body as would enable them to make provision for the master. There is no difficulty whatever in the matter, except that the power to do so does not exist under the old charter; there is no power to so deal with the endowment as to allow a pension out of the endowment. There are some other points to which I wish to call your lordship's attention. The first of these is with regard to the master of the school. The clause dealing with the qualifications of the master provides that he should be a master of arts; this provision with regard to the master plainly points out the class of school which the founder intended to establish. The other matters to which I desire to direct your lordship's attention are the

15th and 17th clauses, which provide that the master should take special care of the secular and religious instruction of the boys. That he is to instruct them by good example, and to read the prayers of the Church of England and Ireland both morning and evening in certain convenient places in the house; that the prayers used are to be such as are approved of by the Bishop of Osnery, and that the scholars are to be regularly assembled in the school for the purpose of being instructed in the Church catechism.

17043. Dr. TRAILL.—Do you make any claim under clause 71?

Mr. BARTCHELL.—No, because all parties are agreed that if there was some local control provided under the scheme it would practically settle that matter.

17044. Why has Lord Ormonde refused to pay the endowment?

Mr. BARTCHELL.—I understand that Lord Ormonde has declined to pay the endowment on the grounds that were reported by the visitors, namely, that the repairs considered necessary had not been carried out, and also that those alterations in the premises, and the shuffling that had been made without their consent or approval; these are Lord Ormonde's objections to paying the endowment.

17045. But how could he refuse to pay the endowment for the last two years when his attention was only called to these matters, to which you have referred, last January by the visitors?

Mr. BARTCHELL.—Well, I cannot answer you that.

17046. Lord Justice FRYGIMAN.—You have said that Lord Ormonde would desire to have a veto in the new governing body of the school. What form do you suggest this control should take?

Mr. BARTCHELL.—Well, I think Lord Ormonde would be satisfied that, whatever regulations you should make for the future management, he should have a substantial voice in the matter. I think as the Bishop of Osnery and the Provost of Trinity were two of the visitors under the old scheme, they should naturally have a place in the new governing body.

17047. Dr. TRAILL.—With regard to the Provost of Trinity, I think he would find it difficult in his circumstances to act as one of the governing body, and it would perhaps be better if there was some local power, an official person, the Dean of Osnery for example, who could, being resident in the neighbourhood, set on the governing body with less danger of interference with his other duties. Have you had any communication with the Provost about the matter?

Mr. BARTCHELL.—No.

\*James Maxwell Weir, M.A., Head Master of the College, sworn.

James Maxwell  
Weir, M.A.

17048. Lord Justice FRYGIMAN.—We understand you were appointed in April, 1874?—Yes.

17049. When you came here in 1874 what number of pupils had you at the school?—Well, I may say six or seven, except what I brought myself to the school.

17050. Then you brought a number of pupils with you?—Yes, I brought fourteen boarders from Limerick.

17051. What was the largest number of boarders you had at any time at the school?—I had nineteen boarders from 1874 to 1876 or 1877.

17052. Then I suppose during the time you had the nineteen a considerable number of these were some of the original fourteen boarders you brought with you from Limerick?—They were.

17053. Are they all counted in the nineteen you have mentioned?—They are; those boys remained with me till they completed their education, some of them went off to fill positions, and others of them entered college.

17054. You had a school at Limerick before you came here?—Oh, yes, it was a boarding and day school.

17055. How many boarders had you there?—I had twelve boarders, I had not room for much more than that.

17056. But you say you brought fourteen boarders

with you from the Limerick school to here?—Yes, but some of the day boys I had at Limerick came with me here as boarders.

17057. How many pupils had you attending the Limerick school?—I had from seventy to ninety boys from time to time. I had the school in No. 1 Crescent and in Peers-square.

17057A. Was it a classical school?—It was a classical and general school. It was not solely confined to classical work. We used to get a number of science scholarships in the Queen's Colleges, and also numerous other distinctions.

17058. You are a graduate of Trinity College?—Yes, I am a graduate and scholar. I was the first class at entrance in 1849, and first scholar of my class in year 1852. Here is a copy of my appointment and some of my testimonials.

17059. It is the Board of Trinity College recommends, and the visitors appoint the master?—No; it was the Board of Trinity College appointed me. The appointment is altogether vested in the Board of Trinity College, as you will see from the statutes, the original statutes of the foundation of the college.

\*Appendix B, No. XX., p. 504.

7060. What was the largest number of day boys you had at any period attending Kilkenny College?—I think about fifteen or sixteen was the largest number of day boys I had.

7061. Lord Justice NAUGHTON.—How many did you find when you came here?—I think there were four or five day boys and no boarders, but a couple came after I brought the fourteen with me from Limerick.

7062. What accommodation is there for boarders at the school?—There is accommodation for, I am sure, sixty boarders at the school.

7063. Lord Justice FRYGROUSE.—What is the largest number of day boys you had?—I had about thirty-one or thirty-two boys altogether down to 1876 or 1877.

7064. Within the last eleven years what have the numbers been?—Well, within that period the numbers have been falling off gradually.

7065. To what cause do you attribute this decrease in the numbers?—Well, in the first place, scarlatina broke out at the school, and I sent away all the boarders except one or two, who were taken ill with the disease.

7066. What year did the scarlatina break out among the boys?—Well I cannot certainly tell whether it was in the year 1877 or 1878. I think, however, it was in the latter year. Well, after the scarlatina the boys did not come back, and then, since that year, I have only had, from time to time, three or four boarders.

7067. When did the number of the day boys fall away?—I completed the education of all that were there, and then others did not come in their place.

7068. When did the boarders leave?—The last boarder I had is now assistant-master in a grammar school in England. He left on the 24th May last.

7069. From the report of 1879 it appears that Mr. Mahaffy, who visited the school then, found the number of the pupils reduced to seven; has there been any larger number since the date of that report?—Well, there has been about the same number.

7070. There are none at the school now?—No.

7071. How long is it since there were no pupils at the school?—Since the 24th of May last.

7072. How many were there last year?—There were five or six.

7073. Were any of these day boys?—Yes, a few of them were day boys.

7074. How long have you been engaged in teaching?—I have been forty years teaching this year. I commenced my career as master of the Endowed School of Eyre Court, Co. Galway, in 1837. This school was under the Clere Street Commissioners.

7075. What income did you derive altogether from the endowment?—The endowment is £145, I was paid according to Irish currency, but according to the statute of limitation I should be paid £140 English.

7076. Did you ever get more than the £140 Irish?—No, except what I made from the fees of the pupils who were at the school.

7077. There is some land attached to the school?—There is a lawn, and no other land.

7078. The land, houses, building, and site comprise, I see, about 9½ acres?—I do not think there is so much. I think about eight acres is the amount.

7079. Was this land about the school profitable to you?—Well, I sometimes got from £12 to £15 for the grazing of it; that is the only money endowment that I get out of the school except the £140 Irish, and I have to pay the head-rent of £5 a year.

7080. To whom is this head-rent paid?—I paid the £5 a year head-rent to the Marquis of Ormonde.

7081. Do you know for what part of the building or land this head-rent is payable?—I think it is paid for the tenancy of the lower part of the grounds, not of the site of the house.

7082. Dr. TRAILL.—Are you certain whether it is for the land or the house that this head-rent is paid to Lord Ormonde?—I believe it is for the lawn, and for a part of it only; I think about the half of it.

7083. Lord Justice FRYGROUSE.—It is stated in

the former report that the poor-law valuation of the premises is £92?—It is not that now; I got the poor-law valuation reduced to £51, and that represents the present valuation of the property.

7084. Rev. Dr. MONRO.—Had you formerly some Roman Catholic pupils?—Yes, I had.

7085. How many had you; I think I saw in the report of the last Commission that you had eighteen?—I had not eighteen; I had nine or ten at one time.

7086. With regard to these pupils, did you fulfil the condition of the deed by instructing them in the Church catechism, and reading certain prayers to them?—Yes, I did this with all the boys, with the exception of the Roman Catholic pupils; these conditions were not fulfilled with regard to them.

7087. Lord Justice FRYGROUSE.—Had you any teaching staff last year except yourself?—I had assistance up to August, 1888; I had a student of Trinity College, a mathematical student, named Rountree. When I had no pupils I did not need a master. I had to dispense with Mr. Rountree's services last August twelve months.

7087A. What fees did you charge for boarders and day boys?—I used to charge for boarders from £40 to £50, and for the day boys I usually charged from £6 to £8.

7088. Had you ever any pupils applying to be admitted as half-boarders as being the children of parents residing in Kilkenny and the Liberties?—No, I never had.

7089. Had you as a matter of fact any boys attending the school from Kilkenny or the Liberties?—Yes, several; all the day boys were from the town and neighbourhood of Kilkenny.

7090. Did any of them come from a distance?—Yes, one came from Thomastown.

7091. How far is that from the school?—That is about seven miles away. He was a half-boarder the boy who came from Thomastown.

7092. What do you mean, by a half-boarder?—He used to go home for the night, and then after school he dined at my place. That pupil is in the army now; he is a son of the Archbishop of Canterbury.

7093. What is your present age?—I was sixty-two my last birthday.

7094. Rev. Dr. MONRO.—To what causes do you attribute the falling away of the pupils attending Kilkenny College?—Well, there are several causes. I had opposition from a variety of sources. There was the Government opposition—the model schools—and people who want to give their children an English education, prefer to send them to these schools on account of cheapness. Then I lost my Roman Catholic pupils who go to their own college; the Roman Catholic clergy prefer their own college to any other. Then the Incorporated Society have a school in this neighbourhood. And besides these things the people have a mania for sending their children away to distant schools. They send them away to English or to other schools that have more inducements in the way of exhibitions. I have been frequently referred to by the parents of pupils to know whether there were any exhibitions attached to Kilkenny College, or other inducements of that kind, which would assist in defraying the cost of a boy's education.

7095. Where, as a rule, have such boys gone to?—I found that they usually went to the Royal schools where there are such inducements.

7096. Lord Justice FRYGROUSE.—Did any of your boys leave you to go to these schools?—Some of them went to Tipperary to the Erasmus Smith school. There are exhibitions open to pupils from the Erasmus Smith schools at Trinity.

7097. Lord Justice NAUGHTON.—Are there any exhibitions attached to the Kilkenny school?—None at all, not even a fund for giving the boys prizes. I made an unsuccessful effort to get up a fund for this purpose.

7098. Rev. Dr. MONRO.—Do you think are there many boys going to the model school here, who would naturally go to your school if there was not a model

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James Mackay  
Well, Wm., M.A.

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James Maxwell  
Well, Wm., M.A.

school in Kilkenny?—I believe that there are boys of the same class that used to go to my school in Limerick, going to the model school here.

7109. Dr. TRAILL.—Do you mean that there are boys going to the model school here who could afford to pay £5 or £6 a year for their education?—Yes, I believe there are.

7110. Lord Justice FRINGHAM.—Do you make any provision in your school for commercial classes?—Yes, always, since ever I first set up as a teacher. I had science and English and everything else necessary taught.

7111. Did you make book-keeping one of the subjects?—Yes, I have had book-keeping taught in the school for a long time. One of my pupils passed for the Bank of Ireland; he was sent to the manager of the bank here.

7112. Do you know how long the school was vacant before you came here?—About three months; but it was closed for about twelve months before that. I was appointed in April, 1874; but I did not come here till the following August, because Dr. Martin had his furniture and family at the school, and I did not like to come till he had cleared out of the premises. There had been a complete break up of the school in Dr. Martin's time, in consequence of an outbreak of scarlatina. I had then to get the place disinfected before I could bring my boys into it, and also before I could take possession of the house I had to pay £500 of debt that was on the place.

7113. To whom had you to pay this debt of £500?—I had to pay it to the Board of Trinity College. The exact sum was £463. This sum I had to pay to the credit of the Board of Trinity College, and they settled with Dr. Martin.

7114. Did Dr. Martin get the whole of this sum paid by you to the credit of the Board?—I think there was a certain amount deducted from it by the Board for dilapidations to the premises.

7115. Did the Board of Trinity College exact the repairs to the premises?—No, they did not repair the premises, but I repaired them, and the repairs were inspected and approved by Mr. McCarthy, the architect of Trinity College, Dublin, in the year 1875.

7116. Rev. Dr. MOLLOY.—One of your predecessors had expended a sum of money in repairs?—Yes, Dr. Browne spent £926 in repairs, and it was agreed between the Board of Trinity College and himself that, upon his retirement, his successor should pay him £694, being three quarters of £926. Dr. Martin, who succeeded, paid Dr. Browne £694, and when on the retirement of Dr. Martin, I was appointed Head Master, I was required to pay £463 into bank, half of the original sum of £926. It was, however, agreed between the Board and myself that, upon my retirement, I should be repaid, by my successor, half the sum I paid, that is, £231 10s. The Board gave me £138 to carry out repairs when I came here, but I expended more than double that amount.

7117. Lord Justice FRINGHAM.—How much of your salary is in arrears at present?—I have not been paid for the last year and a half. My last half year's salary was due on the 29th September.

7118. When was the last payment of your salary made to you?—The last payment was the 25th March, 1885. That is the last payment I got. I have received no payment since then, and I have had to pay rates and taxes on the school premises ever since.

7119. What is the annual amount of rates and taxes

you have had to pay?—They vary in amount, sometimes they are higher than at other times. As a general rule the rates and taxes amount to between £20 and £30 a year.

7120. Mr. Burtlesell.—Have you kept the house in repair?—I have always kept the house in repair, but this last year I have not been able to do so as my money has been kept from me. Previous to this year all the repairs that were necessary were done every year.

7121. Dr. TRAILL.—How does it come that you have to keep the premises in repair?—I was bound by my deed of appointment to keep the building in repair; it is in the statute of foundation, I think.

7122. Then previous to the time when your salary ceased to be paid you kept the house in repair?—Yes, I repaired it every year. It has cost me over £200 since I came here to pay for the repairing of the place.

7123. Mr. Burtlesell.—I suppose you thought you were entitled to your salary whether the repairs were executed or not?—Well, I was not able to do it without getting my salary. Every year since I came here I have had out from £10 to £15 for repairs, besides getting the place thoroughly overhauled and repaired immediately before I came here. Since I came to the school I built a pair of entrance gates which cost me over £12. The entrance gates that are there at present are not the same entrance gates that were there when I came.

7124. Dr. TRAILL.—Have you taken any steps for the recovery of your salary?—Not at all—as I have an objection to go to law.

7125. Mr. Burtlesell.—When did the master, that the people of Kilkenny and the neighbourhood here, according to your account, for sending away their sons to distant schools and to England, since upon the people; was it since you came here?—Well, I cannot tell you that, but I know that it is the case all the same.

7126. Dr. TRAILL.—You say that scarlatina broke up the school on a former occasion when Dr. Martin was the head master. Were the sanitary arrangements of the school overhauled by you before you entered into possession so as to avoid, if possible, a recurrence of the epidemic?—Yes, the sewers were all opened at my expense and thoroughly cleaned and overhauled.

7127. How many years after the first outbreak of the scarlatina did the second outbreak occur?—It was in 1878. The first outbreak took place in 1873, I think, and the second in 1875.

7128. Lord Justice FRINGHAM (quoting from a document handed in to the Commissioners).—I am from this report that it would cost £300 to put the premises in proper repair?—I think that is a mistake. Though they say it would cost £500, I do not believe it would take so much now. I think about £200 would do all the repairs that are absolutely necessary. But of course you could lay out £2,000 in improving the place, or even £3,000.

7129. Rev. Dr. MOLLOY.—Do you happen to know how much of the present building is erected for the £5,000 given by the Irish Parliament at the end of the last century?—I believe the entire building was erected by a grant from the Irish Parliament. I saw in an old directory of Kilkenny that the Irish Parliament granted £10,000 in 1790.

7130. We understood that the sum was about £5,000?—I saw this in an old directory of Kilkenny. I thought to bring it with me but was unable to obtain it.

#### The Right Rev. Dr. Browne, Lord Bishop of Osnery.

The Right Rev.  
Dr. Browne  
Bp.

7131. I consider the Roman Catholic body have some claims for the consideration of the Commission in the drafting of a new scheme for this school. My grounds are these: the school was originally established for Protestants, I admit, that is plain from the original statutes, but it has failed entirely of being any use to the Protestant body. At present it is quite manifest, from the evidence which has been given here to-day,

that the school has been just kept on its legs for the last fourteen years; it has during that period been barely kept alive. It is evident that Mr. Wair brought here from Limerick for the purpose of rehabilitating the school, but his efforts have only been attended with complete failure. I do not mean to say that it is owing to any fault on Mr. Wair's part. It may be that the people of the district are Catholic

and I believe that is a reason. I think, that, as the school is a failure so far as the Protestant body is concerned, and as the Commission is empowered under the Act to draft a new scheme for the school, the Catholics have a right to some consideration in the drafting of the new scheme—the original object having failed and Catholics not being allowed to go to the school, both on account of their religious convictions, and also, because they cannot comply with the conditions laid down in the original statutes. The question is a matter for the Commission to decide, but I am decidedly of opinion that in the preparation of the new scheme for the government of the school the Catholics have a claim to consideration. There was one point just touched upon in the evidence, and this might operate against the claim of the Catholic body. In glancing over the Act I saw, that according to the Act by which the Commission is constituted, sub-section 1 of section 7, the Commission has no power to deal with any endowment which is in the gift of Trinity College. Possibly there might be an objection to the Commission dealing with this endowment on that ground, and in taking evidence upon the point the Commissioners might be acting ultra vires. But you will also see that the whole Act does apply the moment the consent of the party interested in the endowment has been intimated.

7151. Lord Justice Fitzgerald.—Our mode of dealing with endowments like this is as follows—we take all the evidence we can get about the matter, we hear the founder's representatives either personally or by counsel. If he has the power of withholding consent we then do not attempt to force a scheme upon the governing body; but we are quite ready, in case they consent, to draft a new scheme for them. In this case we are now merely taking evidence, and ascertaining the state of the school, and also the views of all parties who consider themselves interested.

Dr. Browne.—Well, I maintain that this school is not in the gift of Trinity College; I maintain that it is simply administered by them. The original statutes appointed the Ormonde family as the administrators, and it was only when the Act of Attainder was past against the 6th Duke in 1715, that the administration of the school passed into the hands of the Board of Trinity College. His estates were all forfeited in 1715, and he left no male issue. However, there is another point I wish to raise, that is, supposing hereafter that this objection to which I have referred should be decided against us. With regard to this endowment, I wish to draw your attention to this—it is manifest that the building which cost over £3,000 was erected by State money. That money was supplied by the State; it was a State grant to the school. And according to the evidence, and the principles laid down in the Report of the Commission already published, the Commission can deal with public money that has been given for endowments. From the evidence given to-day part of this endowment is money granted by the State, and the Lord Justice has said that the State is a continuing body, that it never dies. Even if the fund be diverted to another source from that to which it was intended originally, the State is supposed to change its mind. I would claim that, even if the other objection carries, the grant for the building of the house at least is within the powers of the Commission.

7152. Lord Justice NAMM.—Supposing that the property were sold would your contention be that the proceeds would be free property; you would draw a distinction in that case between the annuity paid by Lord Ormonde and the money given by the Irish Parliament?—Yes, that is my contention.

7153. Dr. TRAILL.—Do you make any claim to the endowment of Lord Ormonde, and if so, on what grounds do you base it?—I claim that endowment as I stated before as one fairly within the powers of the Commission.

7154. But have you read the will of Lord Ormonde,

that he gives it to Protestants? Do you think that under these circumstances we could take the endowment from Protestants and give it to Roman Catholics?—Well that is a nice legal point for the Commission to decide. My contention is that the endowment has failed with regard to the objects for which it was originally given. If I be asked in what proportion I would claim it, I think in its entirety, on the grounds that it has totally failed to be of any use to the Protestant body. The Ormonde who founded the endowment made no provision for it in case the objects for which it had been established failed, and in that case I think the Commission have full power to deal with it. I would consider that I have a claim to it. The Catholic body have made great sacrifices in the way of education, and the Protestant body are very well supplied with schools already, and I am of opinion that the claims of the body I represent ought to have some weight with the Commission on the drafting of a new scheme.

7155. But what use would the building be when you have St. Kieran's College?—The building certainly would be of no use to me as an educational establishment; I have no purpose whatever to which I could devote it. But my point is that the building could be disposed of, and the money accruing from the sale could then be applied to educational purposes. This, I think, puts my views fairly before the Commission.

7156. Mr. Weir.—The school under me has been anything but a failure. I have prepared a great number of pupils for entrance to Trinity and the Queen's Colleges. One succeeded in gaining two gold medals and one a science scholarship. Another pupil gained two gold medals in the Queen's University, and three were all since I came here. Another pupil gained a scholarship in Trinity, and the master before me could show as much record as I could show.

7157. Dr. TRAILL.—Were you trained as a teacher? Mr. Weir.—Yes. I have been teaching since the 1st March, 1847.

7158. Lord Justice Fitzgerald.—How many pupils had you from the city of Kilkenny during your period of control over the college?

Mr. Weir.—I never had more than five or six at any one time.

7159. Lord Justice NAMM.—How many had you altogether from the city of Kilkenny?

Mr. Weir.—I never had more than a dozen at any time.

7160. But do you know how many had you altogether who were actually from Kilkenny?

Mr. Weir.—I should say I had never more than a dozen.

7161. Professor DEANE.—Were these boys all members of the Church of Ireland?

Mr. Weir.—I had at one time a few Roman Catholic boys.

7162. Had you any boys belonging to other Protestant denominations?

Mr. Weir.—I had some Presbyterian boys.

7163. Lord Justice Fitzgerald.—What is the largest number of those boys you had?

Mr. Weir.—I think about four. I had one Presbyterian boy named Wilson, and two boys of the name of Riddle.

7164. Professor DEANE.—Had you any Presbyterian day boys?

Mr. Weir.—Yes, I had two Presbyterian day boys of the name of Riddle.

7165. Did you require these boys to go to church?

Mr. Weir.—No, no; the Riddles were only day boys, but Wilson used to go to the Presbyterian place of worship when he was here, but a good many times he went to the Protestant Church with the other boys.

7166. Dr. Browne.—I might be asked what proposal I would have to make in my view of the circumstances with regard to this endowment. Well, I would not exactly go in for a grant of the endowment

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for our Catholic school, pure and simple. I believe one of the clauses of the Act by which you are constituted requires, in case any part of an endowment is appointed for any establishment, that there will be the right of inspection and also of audit of the funds. I do not care to go in for that. I do not ask, therefore, that the endowment be given to Catholic schools purely as such. There are other ways of giving this endowment in which it may possibly be shared by non-Catholic schools. I believe in other places it has been suggested that endowments, like this attached to

Kilkenny College, which are open for re-arrangement by the Commission, should be applied for prizes under the Intermediate examinations open to boys from the district. In case the endowment was applied in this manner it is probable that a considerable portion of the endowment would reach the Catholic body, inasmuch as we have competed very successfully for prizes under the Intermediate Board with these schools.

7137. Dr. TRAILL.—Would you have these prizes in the shape of result fees, or prizes to the pupils, or both?—Both.

*D. H. Creighton sworn.*

D. H. Creighton.

7138. Lord Justice FRYGROVE.—You are engaged in teaching in Kilkenny?—Yes, I am engaged in teaching an Intermediate and Civil Service Academy, and also in catering for the Royal University.

7139. How long have you had a school in Kilkenny?—I began the school myself in 1899, November 1st. The school is now almost seven years in existence.

7140. The school is a private one?—Yes, there is no endowment attached to it. I maintain the school myself.

7141. What are your qualifications as a teacher?—I taught in some boarding schools in England, from 1874 to 1889.

7142. What schools did you teach in there?—The last one was the Manchester Grosvenor school, and I also taught in the Tallam Grammar School, Brixton, London, S.W.

7143. To what religious denomination do you belong?—I belong to the Church of Ireland.

7144. Are your pupils principally Protestant boys?—I have a return of the religious persuasion of the boys with me—there are seventeen Church of Ireland boys, one Presbyterian, and twelve Roman Catholic boys.

7145. What is your course of education?—Well, it is very general, we prepare for the Intermediate, also for the matriculation of the Royal University, the various Civil Service departments, the Banks, and various other examinations.

7146. Have you had any successes at the Intermediate examinations?—Yes, I have a return of the various examinations passed by the pupils. At the Intermediate I have had eight passes in special subjects, nine passes with honours, one exhibition of £15, one of £25 for three years, and one of a like value retained, also a £15 exhibition retained and a middle grade prize, also a scholarship of £40 at Redcliffe Seminary. I have got some female pupils, my wife assists me in that department; we work together. The girls join my classes in some subjects. In the Royal University department, I have had eight pupils passed the matriculation examination direct from the school; I have also had three passes in the First University Examination in Arts, another pupil has passed the College of Surgeons preliminary examination. Then in the Civil Service department 22 passed the lower division preliminary examination; fourteen have obtained Civil Service appointments, four Provincial Bank clerkships, one National Bank clerkship. Two National teachers came to me for evening work in order to be assisted in special subjects for their Training College examinations. All those positions were obtained by pupils prepared at my place.

7147. What staff have you to assist you in preparing the pupils?—I have one assistant master, and my brother has also latterly assisted me. He is a matriculated student of the Royal University.

7148. What terms do you charge?—My terms are various; they range from 30s. a quarter to £12 a quarter. I get £4 a month for one boy.

7149. Dr. TRAILL.—For what examination are you preparing the boy who pays you £4 a month?—He is preparing for the Army Preliminary. He is the son of an officer stationed in Kilkenny.

7150. Lord Justice FRYGROVE.—What schools compete with yours?—All of them. When I came

here first there were twenty-three boys at Kilkenny College. I consider there is a great want for a Protestant school in Kilkenny.

7151. Dr. TRAILL.—Would you be willing to make your school a Protestant one?—I would be willing to make mine a Protestant school if I got support for it in that way, because the Catholic Church does not approve of boys coming to mixed schools, I believe.

7152. You have not got a University degree?—No, but I studied at Owens' College for a couple of years. I was a Fellow of the Royal Geographical Society.

7153. Are you a native of Kilkenny?—Yes, I am a native of the town.

7154. Rev. Dr. MORRIS.—Did you go from Kilkenny to Owens' College to study?—No, while teaching in England I attended the evening lectures at Owens' College. I was a pupil of Professors Stewart and Russell.

7155. Lord Justice FRYGROVE.—What are your views as to the causes of Kilkenny College not having pupils?—Well, there is no local control over it by people really interested in it. If there was a Board formed from the parents of the boys attending the school, similar to those appointed in several schools in the North of Ireland—at Armagh there is one school, and at Monaghan, I think, another so managed—it would help the College greatly.

7156. Dr. TRAILL.—But there is no local control over your school?—No, there is none except the interest of the parents in the success of their son. They are so interested that if I did not keep up the results I would not have any endowment at all.

7157. But your case and that of Kilkenny College are exactly similar, they are both without local control and yet your school succeeds?—I suppose I must have attended to my school much better.

7158. Lord Justice FRYGROVE.—Supposing you had no endowment and outside provision how many boys do you think you could attract in Kilkenny and the neighbourhood to the school?—Well I have thirty-seven boys at present, and the number could be easily increased I think.

7159. What boarders would you have?—If I had accommodation as large as that at Kilkenny College I would have a large school.

7160. What accommodation have you at present?—Only such accommodation as a private house affords.

7161. Have you any boarders at your school?—None at present. I have had as many as seven boarders, and the last boarder I had left me because there were no others to keep him company.

7162. Rev. Dr. MORRIS.—If Kilkenny College was a success would it not draw off some of your pupils?—Well it ought to do so.

7163. Then you have that class of boys who would naturally go to the College?—Yes, I have the class of boys who would be going to Kilkenny College if it were a success.

7164. Lord Justice FRYGROVE.—What subjects do you teach the boys?—I teach them mathematics, science, and various other subjects. My assistant master is an ex-classical scholar of University College, Wales, and he teaches the classics.

7165. Dr. TRAILL.—Have the boys taken interest in classics at the Intermediate examination?—Yes,

several have gained honours in Latin, and we had an honour in Greek in the junior grade.

1765. Rev. Dr. METCAL.—Would you say that there is room for another Protestant school in Kilkenny, in addition to those that already exist in it?—There is no Protestant school at present in Kilkenny of the kind; at least none at which there are pupils in attendance.

1766. Lord Justice FITZGERSON.—What about the Peacock Institution?—The Peacock Institution which you have mentioned is two miles out of the town, and it does not compete with us for day boys.

1767. Professor DOUGHERTY.—Do many boys preparing for the University go to your school?—Well, I have prepared eight students who have matriculated in the Royal University.

1768. Do you prepare any students for Trinity?—No, I have never sent any to Trinity.

1769. Lord Justice FITZGERSON.—Then you are doing really the work that Kilkenny College formerly did?—Yes, I say that I am doing the class of work Kilkenny College used to do.

1770. Is there not enough educational material to keep both Kilkenny College and your own school going?—I should say not. I do not consider that I am sufficiently supported as it is. However, the want of such a school is proved by the existence of my place. Kilkenny College never fulfilled the conditions of the original charter under which it was founded; it became a high class aristocratic school.

1771. Mr. BURTON.—Are there many boys living in the neighbourhood of Kilkenny who are sent away to schools in England?—I cannot say.

1772. But are you yourself aware of any such boys?—No, I am not, but I have had some boys who have gone off to other schools. One boy went to Drogheda Grammar School from my school, but then I specially prepared him for entrance to a school of that kind. As to boys being sent to English schools I may say that at present I have a boy who was taken from an English school, and his father is well satisfied with his progress under my charge.

1773. Rev. Dr. MULLOR.—Do you know of any Protestant boys in this neighbourhood going to school in England?—I do not know of any.

1774. Professor DOUGHERTY.—Do the sons of the resident gentry go to English schools for their education?—I do not know of any.

1775. Dr. TRAILL.—Where are the sons of the resident gentry of this neighbourhood educated?—I do not know.

1776. Then you cannot say whether they are educated in England or not?—I cannot.

1777. The Most Rev. Dr. Browne.—I submit, my lord, that in this question relative to Kilkenny College the relative proportions of the Catholic and non-Catholic populations would be worth something. The relative proportions of Catholic and non-Catholic in the county, including the city, is 94·4 Catholic, and of course then the non-Catholic population is 5·6, or it is the other way 93·4 Catholic, and 4·6 non-Catholic. As to the relative proportions in the town and Liberties of Kilkenny I cannot say. But I know that Kilkenny enjoys the privilege of having a member of parliament, and that necessarily involves it having a population of 15,000. What proportion the Protestant population bears to the Catholic in the city and Liberties I am not prepared to say, but I will admit that the proportion is larger than is the case in the county.

1778. Very Rev. Thomas Hare, Dean of Ossory.—There are between 800 and 800 members of the Church of Ireland in the city and Liberties. I may say that I am quite aware that there are a number of young men who have been sent away from Kilkenny for the want of a "finishing" school in this town, and I do assure the Commission that there would be a very fair school on the original plan of the donor. That plan included even the admittance of the children of the servants of the Marquis of Ormonde as pupils at the school, or that if the intention of the original founder

was carried out, the school would not by any means be aristocratic or exclusive. It would be a school which would include in it both a lower and a middle class; and certainly I am of opinion that under these circumstances there would be a fair and flourishing school in Kilkenny. I have known numbers of young men, as I have already said, who have been sent to various other schools throughout Ireland. They have gone to Tipperary and Drogheda, solely because a suitable school was not in working order in Kilkenny. At the present moment these young men to whom I have referred are going to these other schools, but they would most unquestionably go to the school here if it were in a working condition. Indeed these very boys to whom I have alluded this instant were formerly pupils at Mr. Weir's school.

1779. Lord Justice FITZGERSON.—Can you form an estimate of the numbers of boys from this locality who are going to other schools throughout Ireland?

Dean Hare.—Well, I cannot pretend to give you the exact number, but I know that it is the case with a good many boys.

1780. Rev. Dr. METCAL.—How then do you account for the falling off in the number of the pupils attending Kilkenny College if there is such abundant material in the neighbourhood?

Dean Hare.—Well, that is a very delicate question to ask.

1781. At all events it is a practical one?

Dean Hare.—Yes; it is a very practical one indeed. I think if there was a good school at the college there would be a good attendance of boys. Since I came here to reside there was a very flourishing school at Ferness, the then Bishop of Ossory (the present Bishop of Cork) and I examined the school, and thoroughly well, were the pupils grounded in their work.

1782. But do you call nineteen a flourishing school?

Dean Hare.—As to mere numbers perhaps it is not; but then you have also to take into consideration the way in which the boys are taught their work.

1783. Lord Justice FITZGERSON.—Do you think that boarders could be got for the accommodation that exists at the college?

Dean Hare.—I do not think there is any possibility of getting sixty boarders from Kilkenny; but I would put it that boys might be drawn to the school if it were successfully managed.

1784. But that is often attended with the result that another school loses its supply of boarders?

Dean Hare.—That may be.

1785. Dr. TRAILL.—The college would not, of course, be dependent upon Kilkenny alone?

Dean Hare.—No, I think not, nor would I suggest for a moment that the school should be exclusively Protestant; I would suggest, subject of course to the opinion of others, that the school should be a mixed one.

1786. Rev. Dr. MULLOR.—Your theory is that it could be made a flourishing school, but the pupils would have to be drawn from other schools and distant places?

Dean Hare.—Yes, I think we have here the nucleus of a good school.

1787. Can you say whether within the last thirty years the Protestant population of Kilkenny has fallen?

Dean Hare.—It has fallen a little, but very little. My memory goes back for over eleven years, and within that time it has fallen by about fifty individuals; it has fallen fifty out of about 900. It has not fallen very much, I am happy to say.

1788. Lord Justice FITZGERSON.—In other places we found that one of the great difficulties in the way of a large number of boys attending such a school as this was that the fees were too high. Has that been the case here?

Dean Hare.—If I might offer a suggestion, I should say rather that the qualifications of the master are too high. I think they should be reduced, so that a master, such as Mr. Coughton, would be qualified to carry on the school perfectly efficiently, having assistants to aid him in the work if necessary.

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D. H. Coughton.

Oct. 25, 1887.

D. H. Coigh-  
ton.

1716. Mr. Robertson.—I am an old pupil of the school; I was there from 1829 to 1831.

1717. How many pupils were attending the school then?

Mr. Robertson.—There were thirty-two boarders, and possibly an equal number of day boys. The present Provost of Trinity College was a class-fellow of mine.

1718. Can you give us any suggestion which would aid us in the formation of a scheme for this school?

Mr. Robertson.—I think a good school is wanted on the Protestant side in Kilkenny. The school was once a very good school.

1719. Were there many day boys at it in your time?

Mr. Robertson.—Yes, I was a day boy, and there were two or three Catholic boys at it then. Mr. George Beel was a day boy, and the only survivor is Mr. G. Kinella. These were natives of the town.

1720. Where did the boarders come from?

Mr. Robertson.—They came from all parts of Ireland. There were the Blacks from Clonsilla, the Sadliers from Tipperary, the Jellies from Mourmough (there were

three brothers of the Jellies), then there were the Whites and a lot of others; some of them came from Dublin; they were principally the sons of the building gentry.

1721. Rev. Dr. Mearns.—Were you a day boy or boarder?

Mr. Robertson.—I was a day boy, the others to whom I have referred were boarders.

1722. Lord Justice Fitzgerald.—We have now heard all that we can learn upon this spot, and it is plain that the college at present is inefficient. It has practically ceased to exist, and it is our duty to ensure it, if we can, to efficient working order. Our first duty is to see if this can be done in the terms laid down in the original foundation. There are several matters which will require some consideration, and this is especially the case with regard to the position of Trinity College towards this endowment. The next step will be, if that question is disposed of or if we can get over it, to publish a draft scheme for the school and endeavour to meet the views of all parties upon the matter. This scheme will be open to objections and amendments before it is finally settled.

#### The Rev. Father Barry, President of St. Kieran's College.

Rev. Father  
Barry.

1723. In 1584 Kilkenny College was a Jesuit college in connection with St. Canice's Cathedral. It was granted by Piers Butler, Earl of Ormonde, and the endowment was supposed to be transferred to the present establishment, or rather to the building which preceded the present establishment. The present building does not represent the ancient institution. The old building which passed the tradition to the present one, was in connection with the cathedral, St. Canice's Cathedral. The grant was in its first origin given by Piers Butler and his wife, Margaret Fitzgerald, and was diverted by the Great Duke to the building which preceded the present college in 1624. That school failed and the college was rebuilt in 1784, by the aid of a grant from the Irish Parliament. So that on the grounds of the building itself being a public institution built by public money, and also on the grounds that the school in its original foundation was a creation of Piers Butler and his wife, I consider that the Catholic body has a claim upon it.

1724. Dr. TRAILL.—Can you give us your authority for the fact that the college was originally founded by Piers Butler and his wife, Margaret?—Yes, it is to be found in a very ancient work "The History of St. Canice's Cathedral," by the late Mr. Green. I

would suggest as to the grant of the Marquis of Ormonde of this £140, that although it was intended, in the first place, for the benefit of the Protestants of Kilkenny, it was also intended for the inhabitants of Kilkenny and the Liberties. The grant so far as the Protestants are concerned has absolutely and entirely failed, and has therefore lapsed. The Catholic body could fairly put forward a claim for such an application of the endowment as the Commission might consider just and fair, in consequence of the failure of the intention of the Marquis, and also because the school building represented money contributed by the State to the school. I would suggest to the Commission that the school is plain from the evidence is very unsatisfactory. Within a period of ten years two outbreaks of vaccination occurred, and such was the fear that was struck into the few pupils that were there at the time, that none of them returned afterwards. I think that the College is in a very unhealthy situation and not at all suited for a school. There are plenty of schools which at present fulfil the functions which Kilkenny College formerly fulfilled, and I would suggest that the building be disposed of and the proceeds applied in the way of endowments, in the manner suggested by the Bishop of Ossory.

#### POCOCKE INSTITUTION, KILKENNY.

J. Blair Brown, Esq., Master of the School, sworn.

J. Blair Brown.

1725. Lord Justice Fitzgerald.—How long have you been Head Master of the Pocke Institution?—I have been head master for the last twenty-eight years.

1726. The school is at present in the hands of the Incorporated Society?—Yes; it has been in their hands since I came here, and for a long time before that.

1727. Is it now a boarding or a day school?—It is now practically a boarding school. We are so far from Kilkenny that it is inconvenient for day boys to come to the school from the city.

1728. Have you any day boys at the school?—I have one, but he lives between the school and the town of Kilkenny.

1729. What was the greatest number of day boys you had at the school?—I never had more than two or three. The last day boy that I had was at one time at Kilkenny College, and he came to me to grind up in science for the entrance examination to Trinity College.

1730. Where were you educated?—Under the Incorporated Society at Santry and Dunsink.

1731. What number of boys have you at the school at present?—I have now forty pupils.

1732. How many of these are free boys?—Twenty-seven of the forty are free boys.

1733. How are the free boys admitted to the school?—By public examination; there is a public competition each year, and there are four boys admitted in this way from the counties of Kilkenny, Wexford, Waterford, and, I think, part of Queen's County; other examinations are held in Cork, Tipperary, Limerick, and in Kerry, and I receive five boys from all of those.

1734. Are all these instructed in the Protestant religion?—Yes, they are all ground in the principles of the Protestant religion.

1735. Have you any children of Roman Catholic parents at the school now?—I have no Roman Catholic children, they are all Protestants, they come with us every Sunday to church.

1736. Are they all members of the Church of Ireland?—They are all members of the Church of Ireland while they are with us, they all go to the church on Sunday. I make no inquiry as to what religion the boy's parents may belong.

1737. Did any Presbyterian boys come to the school?—Yes, I have had some Presbyterian boys, but their parents made no objection to their coming to

church with us and leaving the Church Catechists. All the boys march to church together.

7211. How are the free boys provided for?—By the Incorporated Society; they pay me 10*l.* a day for each free boy, and for this sum I am obliged to board and clothe them.

7212. Besides the free boys you have boys who pay fees?—Yes, I have two classes of pay boarders; there is one class who dine with me and pay me thirty guineas a year, and the other class dine in the hall with the free boys and pay me twenty guineas a year.

7213. What is the distinction between them?—There is no distinction whatever made between the two classes, except that the parents of the more delicate boys prefer that they should dine with me apart from the others. The education given to the two classes is exactly the same, indeed this is the case with all the boys both those who pay and the free boys. There is no distinction at all made except as regards the dining.

7214. Besides the 10*l.* a day for each free boy, what other emoluments do you receive from the Incorporated Society?—I get my salary, which amounts to £150 a year, and also allowances for servants, soap, candles, and also for fuel. There is besides an allowance for an assistant master.

7215. What is the amount of that allowance?—£30.

7216. What is the value of the allowances altogether?—I got about £185 a year from them, that includes salary and allowances; the allowances alone would amount to about £35 a year. They also allow me £40 a year for an assistant master; it was £30, but they have increased it.

7217. Who has the appointment of the assistant master?—I appoint him myself.

7218. What land have you attached to the school?—I have no land attached to the school as an endowment, but I rent a farm of twenty acres, whereof ten acres are held from the Corporation of Kilburn at £22 10*s.* per annum, and ten from the Incorporated Society at £20. I have got both at Griffith's valuation. I was paying 50*s.* an acre for the land, but the lease fell in, and they give me the land at the Poor Law valuation. The Incorporated Society give me the land at the same rent.

7219. Dr. TRAILL.—Have you any land from the Incorporated Society?—Yes, I rent ten acres from them. I am paying rent for all the land which I have. I have no land rent free from the endowment.

7220. Lord Justice FRY-GROSVENOR.—Who keeps the buildings in repair?—The Incorporated Society keep them in repair, and during the last twenty years they have scarcely ever ceased making improvements.

7221. Had you to apply for these improvements?—Well, the main improvements which were for the benefit of the school I applied for them, and if they approved of them they were executed at the expense of the Society, but any little things which were for my own benefit were done at my own expense.

7222. What is your course of instruction?—It includes not only a general English education, but arithmetic, algebra, trigonometry, book-keeping, Book-keeping, drawing, science, and classics to a few boys.

7223. Do you prepare boys for entrance to Santry School?—A great number of my boys are boys who hope to go to Santry. They compete for promotion; this is the great prize held out to boys coming to the Peacock Institution, that if they are industrious they may be able to enter Santry.

7224. Dr. TRAILL.—The boys compete against each other for entrance to your school. Do they compete against each other for entrance to Santry, or is it against a percentage?—They compete against each other at an open competitive examination for entrance to the Peacock, but it is against a percentage that they compete for entrance to Santry.

7225. Lord Justice FRY-GROSVENOR.—To what class do your boys belong?—It would scarcely be supposed

to be the case, yet I have had some of officers in the army among the pupils. I have known them to compete with the children of poorer parents. But as a general rule the boys are the children of poor parents, they are boys of a class in life who are unable to pay their own fees.

7226. What position in life do your boys as a rule go to?—I have had over eighty of my boys passed into the Civil Service; three taking the first places in the three kingdoms. Many of them have matriculated in the Royal University, others of them have gained Scholarships in Trinity College. Other pupils have gone into the banks, I may say they have never failed in this examination; a good many have entered the Royal College of Surgeons, and then numbers of them go as mathematical masters to schools in England.

7227. Is your school connected with South Kensington?—We were at one time in connection with South Kensington, but we dropped it though we were very successful; we have had as many as seventy-six passes, sixty-four of these with honours. When we went to take up the connection again we found some of the rules bearing rather hard upon us.

7228. What were those rules which interfered with the establishing of the connection again?—One rule was that junior passes in mathematics would not be allowed to us, that is that a boy would not be allowed a pass in the Junior Grade Mathematics. Teacher would not be allowed results fees in Junior Grade Mathematics. Then we had not got a local committee, which is necessary under the rules of the South Kensington Department. The nature of the Incorporated Society does not permit of them acting in the capacity of a visiting committee.

7229. Would not a local committee benefit you in this way if we established one?—I do not think it would. I could have got a visiting committee for the purposes of the South Kensington Examinations, but I found that they had monopolised all the available gentlemen to whom I wished to apply, and then the South Kensington authorities would not permit of the same committee acting for the two places; formerly they did allow this, but latterly they have not done so.

7230. You are desirous then of forming a local committee for the purpose of re-establishing your connection with South Kensington?—I would be very glad to do so.

7231. Do you send in boys for the Intermediate Examinations?—I have formed a separate class for the Intermediate, and I should like to join South Kensington again, as I think I could work the two examinations together.

7232. What accommodation have you for boarders now?—I have my number of beds full at present, and I could not accommodate more without trespassing upon the infirmary accommodation.

7233. What is the largest number of boys you have had at the school?—Between sixty and seventy, but then I had to get more beds, and crowd them more closely together in the dormitories.

7234. How long is that ago?—That was some years ago. The diminution in the number was caused by an article which appeared stating that my boys had copied at an examination in religious instruction. The boys demanded a public investigation, because the charge was unfounded, and the result was that they were completely exonerated from the charge. But the public investigation of the matter did not take place for twelve months after the charge was made, and the result was that my numbers went down very rapidly, they went down to six boarders. But the falling off was only temporary, and when the boys were publicly exonerated I soon ran the numbers up again.

7235. Do you take any part in the management of the estate?—I have nothing whatever to do with that.

7236. Do you consider the present position of the

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J. Blair Brown.

school, as an educational institution, satisfactory?—It is most satisfactory, we have been very successful at all the public examinations.

7237. But you have no industrial education whatever at the school?—No, there is none.

7238. Are the boys trained in the art of linen weaving?—We have had nothing in the way of linen weaving for years, it was done away with when the new rules came out.

7239. Dr. TRAILL.—Do you teach drawing?—Yes, we teach the boys drawing, I take this subject myself, I have been engaged in teaching drawing over thirty years.

7240. Professor DOUGHERTY.—You said you had occasionally Presbyterian boys at the school?—Very rarely, and the parents of the boys, if not personal friends of my own before, have become my friends afterwards. Though I strictly attend to the requirements laid down in the regulations of my school, I do nothing that would hurt the feelings of such a boy.

7240a. But would you offer any objection to the boy attending the Presbyterian place of worship?—I would, most decidedly. What I say to the parents is this, I will not allow him to attend the Presbyterian Church, but, if you wish, his friends can ask the boy to visit them on Sundays, and then they, as his personal friends, can take him to the Presbyterian Church if they wish. My views of the matter is just this—If a parent wishes to take advantage of my school, and sends his son to it, the boy must comply with the regulations, and must come to church with the other boys, but then if his parents wish him to go to visit a friend on Sunday he may take the boy to the Presbyterian Church if he likes.

7241. Would it not be better to allow the boy to go to the Presbyterian Church without resorting to this subterfuge?

7242. Dr. TRAILL.—What I understand you to mean, Mr. Brown, is that if a personal friend apply for leave of absence for the boy for a day, and relieve you of all responsibility, for the time being he is entrusted to the care of his friend?—If a friend of any boy says to me will you allow him to visit me, I give my assent, and I then consider that he is under the charge of his friend. As long as the boy is under my care I must instruct him in the doctrines of the Protestant Church, and he must go to the church. I do not look upon the matter in the same light that others do. If the Presbyterian clergyman asks me, can the boy attend the Presbyterian church, I answer, certainly not; but if his friend asks for him then he may bring him to your church.

7243. Professor DOUGHERTY.—Would you not think it a great advantage if this school were open to all Protestants?—I do not think it would be. It would be exceedingly awkward; I would require four or five different masters, a master to go with the boys to every church.

7244. Then you always send the boys in charge of a master?—I would not like my boys to go out without being under the charge of a master.

7245. You consider it part of your duty to require all boys at the school to attend the Protestant church?—I simply accepted my position with certain restrictions, and I consider I am bound by these.

7246. Rev. Dr. MOTTET.—Do you teach any of the children for whom the endowment was founded?—If you mean Roman Catholic children, no.

7247. Do you teach linen weaving?—No.

7248. In fact you do not teach either the class intended to be benefited, nor the subjects of instruction prescribed by the founder?—No, I believe the founder's intention was to further the interests of the Protestant religion as then established. It was found that the plan would not work, so the school is now devoted entirely to the education of Protestant children and not to training up Roman Catholic children in the Protestant faith.

7249. But what about the linen weaving, why is it

not taught?—I know nothing about it, when I was appointed there was no reference to the matter.

7250. Do you not think that an industrial education available for all classes would be a newer approach to the intentions of the founder, Bishop Pocock?—I think not, because he intended the industrial training as a sort of bribe to bring the Roman Catholic children into the Protestant Church. But now they have begun to take only Protestant children into the institution there is no need of teaching the linen weaving; in fact there is no such thing as linen weaving in the neighbourhood of Kilkenny.

7251. Linnen weaving not being required now in Kilkenny, what industrial training would you substitute for it; at present you are substituting Latin, Greek, and mathematics?—My suggestion is that it would be better to educate them than to give them an industrial training. The best thing is to give the boys a good general education; if we gave them an industrial education they would not succeed nearly so well in life.

7252. If all the people of Ireland were brought up, and educated only in Greek, Latin, and Mathematics, do you think that would be the best sort of education for them. You know it is, as you have said, the poorer classes who come to you?—No, my class of boarders are an intermediate class, they are a different class from the boys going to the ordinary schools in Kilkenny, they are a middle class.

7253. But to what class do the free boys belong?—As to the free boys, I cannot answer for the whole of them, but the most of them are the children of poor parents.

7254. Is the kind of instruction you give these boys the best for the children of poor parents, to enable them to get on in life?—But these boys are not bound to take classics and French.

7255. Dr. TRAILL.—What percentage of the boys are educated in classics?—Not ten per cent. of them learn classics.

7256. Rev. Dr. MOTTET.—I understood you to say that a good number of your pupils aim at a professional career, and that many of them have entered the universities?—Yes, but they are mainly my boarders, my foundation pupils are not forced to learn classics. The Incorporated Society only tolerate the teaching of classics in the school.

7257. You mentioned your successes at the Civil Service examinations; does that mean success in these examinations which include classics?—No, only an English course, one of the boys entered the Civil Department.

7258. Dr. TRAILL.—Does that require classics?—No.

7259. Rev. Dr. MOTTET.—I take it that the education you give is literary and scientific as distinguished from industrial and technical?—Yes.

7260. Most Rev. Dr. Browne.—Is there any endowment from the Corporation of Kilkenny in the nature of land?

Witness.—I held land under a lease from the Corporation, but I paid a rent for it. The rent under the lease was 235 10s., and then the rent was 235 10s., when the lease fell out. I asked the Corporation to give me the land at the Poor Law Valuation, and they did so. The land was at first held by a neighbour of mine, but we found it very inconvenient, the boys were breaking down the fences and trespassing on the land, in order to get their cricket balls which would be knocked over.

7261. Professor DOUGHERTY.—What was the length of the lease?—It was for twenty-one years, and it fell out in 1865.

Lord Justice FRYCHAMER.—I may say that the evidence we got in Dublin tended to show that the Incorporated Society had in this institution, a private endowment. If, however, when our scheme comes out, your lordship has any evidence to give upon the subject, we will be quite ready to hear it.

The Most Rev. Dr. Brewin.

Oct. 24, 1857.

Most Rev. Dr. Brewin.

1255. My lord, strange as the inference may seem, I would go in for making a claim for the endowment of the Peacock Institution, in the same way as I made a claim for the Kilkenny College for the Catholic body.

My claim is based upon the following considerations—I find that the trust established by Bishop Peacock was for "Papist" boys from the ages of twelve to sixteen who should become Protestants; and if any other religion should be established in Ireland than the Protestant religion, he then bequeathed the money to St. Patrick's Hospital for Lunatics, in Dublin. So it is quite manifest that the trust has failed as far as regards the object for which it was originally established; that is manifest, I consider. I have listened to the evidence just given by the head master of the school, and I read the original will. There are no Catholic boys there at present. They are not there because they are compelled by their conscientious convictions to abstain from availing themselves of the education there given, which according to the will of Bishop Peacock, should be based upon the doctrines of the Protestant Church. But I think that the Commission have powers under the Act to alter the provisions of a trust, and to divert the terms of a trust where the original trust has not been carried out. The terms of the trust not having been carried out here, it is a case with which the Commission should deal. It is quite plain that Bishop Peacock intended a benefit for the Catholic boys, for the "Papist" boys, as he calls them, of Kilkenny. That benefit divides itself into two divisions; there is firstly a temporal benefit, and secondly what he considered a spiritual benefit, one was to give the boys a secular education, to train them in linen weaving and other handicrafts, and then to fit them to fill some position in life after they left school. The other benefit was to give them the blessings of a Protestant education. I am perfectly certain that Bishop Peacock was a sincere believer in the Church of which he was such an eminent member. He thought he was conferring a benefit on the Catholic children by having them educated as Protestants. I perceive the whole thing turns upon this, whether these two classes of benefits are separable or conjoint, or in other words whether you can confer one of the benefits without the other, and whether that was the intention of Bishop Peacock. I maintain that they are separable, and that it is quite within the powers of the Commission to deal with this endowment in the interests of Kilkenny. I am only putting my own view of the case; I regard them as separable; you will ask me perhaps what reason I have for that. My reason for regarding these two benefits as separable, the one temporal and the other spiritual is this—I cannot conceive any man in Dr. Peacock's position, a bishop, a kind man, and a liberal minded one, I do not consider it would be possible for him to establish a deal of trust under which he conferred temporal advantages upon a certain class at the expense of their religious convictions. I do not think that any man of Bishop Peacock's stamp would do that.

1256. Dr. TRAILL.—Do you not think he intended it as a proselytizing institution?—I do not think he intended to proselytize. If he intended it as a proselytizing institution, he was a proselytizer in the worst sense of the term, but I do not think that Bishop Peacock was a man of that stamp. He was much too liberal minded.

1257. But it is quite clear by his will that he was a proselytizer?—Well, if you accept that conclusion and treat him as a proselytizer, my argument falls to the ground, but I consider it is quite possible to put neither construction upon his conduct. I think

he intended to confer temporal advantages on a certain class, provided they saw their way to accept the Protestant religion. I think it is quite possible he may have intended to confer the temporal advantages upon them. I am not gifted with a legal mind nor am I gifted with the power of discriminating between one end and one, but I am giving you what I consider a common sense view of the matter.

1258. Suppose the "Church Missionary Society" goes out to the savages of South Africa to teach them trades and to convert them to the Christian religion, do you think it would be right to confiscate the property of the Society, and use it entirely to teach trades to the savages, if they would not be taught religion?—I will answer you by putting the converse case. Suppose that I—Bishop of Ousey—perceiving that there are a number of Protestant boys utterly destitute, and without the means of education in Kilkenny, am moved by their condition, and under my will I appoint a certain sum of money for their temporal benefit, on condition that they should become Catholics—do you mean to tell me that I would enforce the condition upon them? Do you mean to say that my first desire was for to enforce the spiritual benefit before they could take advantage of the temporal one—that what I meant to confer upon them was rather a spiritual advantage than a temporal one?

1259. But, in case you made such a will, would we not be justified in supposing that you did intend that?—Well, I think the Commission ought not to take that view of it—they should not put me down as a proselytizer.

1260. But then Bishop Peacock makes provision for the money going to St. Patrick's Hospital, in case of any other religion than the Protestant one being established in the country. Does this not show that it is an exclusively Protestant endowment; does not this provision providing for the case of disestablishment show that it was intended as a proselytizing institution?—I say that in that case the Catholics have as good a claim to the money as the Protestants. This is my view of the case. We are drawn to one of two conclusions—either that he was a proselytizer in the worst sense of the word, or that he was a liberal and kind-hearted man, and intended to benefit a certain class, according to the light of the time in which he lived.

1261. Rev. Dr. MONTAGU.—Supposing that to be his object, the scheme has utterly failed. It is not possible to teach the children of Catholics under these conditions, and therefore something remains to be done with the endowment?—Yes.

1262. Lord Justice FRANKLIN.—We had this matter already before us in Dublin, but we have not yet announced our decision upon it. The principle is a very important one, and we will consider the arguments to the best of our ability. With regard to Bishop Peacock's intention, I think he was not a proselytizer, nor did he intend to purchase the religious convictions of any one. I think he was an honorable man, and wishing to benefit a certain class, both temporally and spiritually, he left this endowment. This raises the difficulty of separating the temporal from the spiritual advantage, and in this matter we are guided by what is known in law as the *cy pres* doctrine. We must so settle the matter that we come as near as possible to the intention of the founder.

The Right Rev. Dr. Brewin.—I may point out, my lord, that it is of the essence of a spiritual advantage that it should be according to one's conscience—so one's reason.

Oct. 25, 1887.

## SUBSCRIPTION SCHOOLS KILKENNY.

Very Rev. Thomas Hare, the Dean of Ossory, sworn.

Very Rev.  
Thomas Hare.

7270. Lord Justice FLEMING.—Under whose management are the Subscription Schools?—I am a manager.

7271. Are they the Subscription Schools which were formerly situated in King-street?—Yes, the former and present schools have been transferred to the buildings of Evans's Charity. The parochial and subscription schools are combined.

7272. It was originally a parochial school?—It was at one time a parochial school.

7273. Was it a parochial school at the time of the passing of the Church Act?—Yes, it was intended as a parochial school for all Kilkenny.

7274. Who are the trustees?—I think they are the Mayor, the High Sheriff, the Dean of Ossory, and the incumbent of the parish of St. John.

7275. I see from the Report you have an endowment arising from the will of John Evans. Is this fund still applied for the benefit of the school?—Yes.

7276. Then you have another endowment arising from a bequest of house property by William Pratt?—Yes.

7277. Then you have a rent arising from the old school?—Yes, Lord Ormonde, after the school ceased to be held in King-street, gave the old premises for the benefit of the school.

7278. And you have let them to a tenant?—Yes, as soon as the school ceased to be held in the old buildings, the premises by virtue of a clause in the lease, lapsed to Lord Ormonde, but he kindly continued the grant during his own life.

7279. Dr. TRAILL.—How much do these premises bring in yearly?—About £38 with certain reductions for rates and taxes.

7280. Lord Justice FLEMING.—Who are the governors of the school?—The governors are the clergy of Kilkenny, with the bishop at the head of them.

7281. Is that under the constitution of the old school, or are they the governors only since the school was removed to the buildings of Evans's Charity?—I think it is under the old constitution.

7282. Do you know whether it was under a deed or will they were appointed trustees originally?—I cannot say, I came in myself as one about eleven years ago.

7283. There is an apprentice fund for the apprenticing of ten children at the rate of £20 for each child, who must be of the Protestant religion. Is that still carried out?—Yes, it is carried out to this day.

7284. Who administers the apprentice fund?—The trustees of Evans's Charity.

7285. Lord Justice FLEMING.—What is exactly the amount of the endowments of the school? What is the annual income?—Well the endowment varies, because the grant is from Evans's trustees, and it is a dividend from Evans's trust. It has varied in amount from—

7286. Dr. TRAILL.—Gives on the various accounts for last year?—Well last year the dividend from Evans's trust amounted to £57 Os. 8d.

7287. What was the amount from the bequest of William Pratt?—Pratt's bequest amounts to £9 10s. 10d.

7288. Lord Justice FLEMING.—What is that derived from?—That is derived from a profit rent in Rose In-street. It was bequeathed under the will of Mr. William Pratt in 1830. Here is the document. [The Lord Justice reads from the will], "To the Protestant rector for the support and maintenance of the parochial school and Lee's lane poor-house." What is Lee's lane poor-house? Is it in existence? It is in existence, and receives half of the Pratt endowment; it is an almshouse.

7289. And is the parochial school the same school only transferred to the buildings of Evans's Charity?—Yes. The premises in King-street became unsuitable and wholly unfit for a school-house, and was removed to the place in John-street.

7290. And you receive the rent of that old school?—Yes, it is mentioned there; it amounts to £11 15s. The rent is paid by a man named Lundy.

7291. Who receives the rent?—We receive the rent.

7292. Do you know was it from the Dalm of Ormonde that the grant was originally derived?—I could not say, perhaps Mr. James Fee could answer that. When it ceased to be used as a school-house, I knew the premises reverted to Lord Ormonde, but he granted us a fresh lease of the place. He has entered on the back of the old lease a waiver of the forfeiture for his own life only. His marriage settlements prevented him granting it for a longer period.

7293. Have you any other endowments?—No, or only other source of income, besides these endowments I have mentioned, is our subscriptions.

7294. Lord Justice FLEMING.—Then the entire income of the school consists of these endowments you have mentioned, and subscriptions, and nothing else?—Yes.

7295. Lord Justice FLEMING.—The apprentice fund is paid over to you by the governors?—It is usually administered by the trustees of Evans's trust.

7296. Do you find these apprentice fees still efficient?—Yes, thoroughly.

7297. We are told in some localities where such funds exist that they cannot get proper places for apprentices for £30?—Well I think it very efficient here.

7298. Dr. TRAILL.—Are the apprentice fees for girls only?—No, they have been given to boys who have been apprenticed to the saddlery business. The girls usually go out as dress makers and milliners.

7299. Are they all apprenticed in Kilkenny?—Not necessarily.

7300. Lord Justice FLEMING.—There is another provision here about marriage portions of £50 each to girls?—Yes, that is still carried out with this exception that the portions are reduced from £50 to £20, but the spirit of the thing is still carried out.

7301. Professor DOUGHERTY.—Do you think that an endowment to provide marriage portions is a practically useful form of endowment?—On the whole I think it is useful, it starts the young people in life.

7302. I suppose you have not known any of these young women married simply for the sake of the marriage portion?—No.

7303. Do you not think this money might be more usefully employed in giving them an industrial education?—Well, I do not think so.

7304. Lord Justice FLEMING.—Are the governors of these schools clergy of the late Established Church?—Yes.

7305. Are the children attending the school members of the Church of Ireland?—Yes, but there are some Presbyterians and Methodists among them.

7306. What fees do the pupils pay?—A penny a week.

7307. It appears to be rather in the nature of a preparatory school?—Yes.

7308. Is it in connection with the National Board?—No, it is not; it is not in connection with any Board.

7309. Dr. TRAILL.—How many children are there on the roll?—About sixty.

7310. Professor DOUGHERTY.—From what we observed the school appears to be rather poorly supplied with teaching requisites?—Yes, we are poor.

7310. If you were connected with the National Board it might help you in that way?—Yes.

7311. Is there any objection to establishing a connection with the National Board?—I do not think there is any insuperable objection to establishing a connection.

7312. Lord Justice FRYGROVE.—Are there any ladies connected with the management of the school?—There are some ladies who come to visit the school; they are appointed by the clergy for the purpose.

7313. Who are the clergy who are joined in the management?—There are two parishes and the incumbents and the curates are joined together in the management, those and the clergy connected with St. Cuthbert's Cathedral.

7314. I am afraid all we can do for you is to tell you that you are exempt from the operation of our Act. But we have found some institutions like this for which we have done good work by enabling them to associate one or two lay men with the existing governing body?—I think that would be an advantage. I believe it would be advantageous to enlarge our body and bring others into co-operation with us in the work.

7315. Dr. TRAILL.—Are you prevented by your deeds from joining the National Board?—I do not think so.

7316. Then why don't you join the Board when you have sixty children on the roll?—[No answer].

7317. Lord Justice FRYGROVE.—Is the teaching done by one mistress?—Yes.

7318. What are her qualifications?—I do not know what are her qualifications, but I know she is a most excellent teacher.

7319. As regards this Evans' trust, would it not be as well to have that money managed by the same body in connection with the school?—Well, I don't think there has been any difficulty about the management of it. We have never found any difficulty between the managing committee, and the governors of the school; they are a very excellent set of people and work well together.

7320. Who manages the property?—Mr. James Fox manages the land, he is the agent.

7321. In your case the Act does not apply without your consent; but if there is any disposition on the part of the governing body to give effect to the suggestions we have made, we will carry them out for you as far as our Act will allow us.

Oct. 24, 1887.

Very Rev.  
Thomas Haas.

## CHAPEL LANE SCHOOL.

The Most Rev. Dr. Brownrigg examined.

7322. Lord Justice FRYGROVE.—Is your lordship one of the trustees for the Chapel Lane School?—I should remark that I really have not got a great amount of information about this school. When I became Bishop of Ousey I found the property in a very confused state, and it is exceedingly difficult to discover the references to these various properties in the parochial records. I found a couple of references in the diocesan book with reference to this Chapel Lane School, which is a school attached to the Presentation Convent. The principal endowment is a sum of £3 18s. 3d., which is paid every half year by the Commissioners of Charitable Donations and Bequests. It goes to the nuns of the Presentation Convent.

7323. I suppose that is the fund represented in the report as N. Keaven's will, March 25, 1835, interest on £200 Government stock, represented in 1857 as £194 10s. 6d.—Yes, that is the fund.

7324. Besides that there is mentioned in the report of 1880, P. Dunn's will, £10 annually?—I have no record whatever of that in the diocesan books. It does not appear to be paid now, it never comes to me.

7325. Lord Justice NAUGHTON.—Could it be paid direct to the Superiors of the Convent?—Well, I had an interview with her about those matters, and she told

me that the only sum she receives is the £3 10s. 3d. half-yearly. The only other trust she mentioned was one attached to the Chapel Lane Boys' School.

7326. What was that trust?—That is a small bequest of £5 or £10 yearly; it comes in annually; it originally was given for the orphanage. There was a small orphanage attached to the convent then.

7327. How long ago is that?—That is about forty years ago, and when the small orphanage was disbanded this sum was transferred to this school for school purposes.

7328. Do you know how that sum is secured?—I do not; there is no record whatever of it in the diocesan books, nor have I found any record of the other.

7329. Would you have any objection to tell me how much it cost to get the diocesan property into order?—I know it occupied a very long time, but I could scarcely say how much it cost, but it entailed an infinite amount of time, labour, and expense.

7330. Is the Kilkenny Female Orphanage School one of yours?—No.

7331. Lord Justice NAUGHTON (to the Dean of Ousey).—Have you any funds for a school of that name?—No. There is a school of that name mentioned in Evans' trust, but there never was enough funds to found it.

Most Rev. Dr.  
Brownrigg.Very Rev. M.  
Barry.

## ST. KIERAN'S COLLEGE.

Very Rev. M. Barry, sworn.

7332. Lord Justice FRYGROVE.—You are President of St. Kieran's College?—I have been President for the last three years.

7333. How is the land held on which the College stands?—It is a fee farm grant. It is granted to the trustees of St. Kieran's College, for the time being.

7334. Who was the head landlord?—Mr. William Harford Flood was the grantor, the site was bought out from his predecessors.

7335. Was that grant made before the College was founded?—Yes; that was a lease at first for 999 years and that was afterwards turned into a fee farm grant.

7336. Who are the trustees?—The Bishop of Ousey for the time being, the Vicar-General, the Vicar-Forsan, and the President of the College.

7337. How many Vicar-Forsans and Vicar-

Generals are there?—Two Vicar-Forsans and no Vicar-Generals at present.

7338. When was the last deed executed by the trustees?—The present trustees had quite lately to sign their names to some new leases for house property.

7339. Unless there has been some deed conveying the property to them they are not the legal owners at all. Who were the former trustees?—Dr. Moran, the then Bishop, Dr. Murphy, Dr. Hayden, and Dr. McDonnell.

7340. Have you any money fund?—Yes, the principal portion of them comes to me through the bishop. I believe they are invested in the name of the bishop alone. Some of the funds, however, I receive direct as rents; they are paid to me by the tenants.

7341. Have you any land attached to the building?

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Very Rev. M.  
Barry.

—Yes, but all the land attached to the College is not held in fee farm.

7342. How much land is there altogether?—Ten acres, of which six acres are held in fee. There is one portion of the remainder held in fee, and another portion from year to year.

7343. Who is the grantor of that other portion which is held in fee?—The Earl of Normanton.

7344. Who are the trustees for that portion?—They are the same trustees who hold the six acres granted by William Handford Flood.

7345. Do you yourself know anything of the trusts under which the bishop holds the funds?—I know that they are held by him for St. Kieran's College.

7346. What is the amount of the funds?—The whole interest on them is £540; a large portion of that income is devoted to the Foreign mission.

7347. What is the amount of the rents which you yourself receive?—That amounts to £100; it arises from houses and land.

7348. Of the income of £540, how much is devoted to Foreign missions?—£405 out of the £540 is devoted to that purpose. The difference between £405 and £540 we are bound to apply for the education of priests for the Home mission.

7349. How many students have you in the college at present?—There are ninety-four altogether.

7350. How many of those are paying for their education, and how many have free places?—Well, the bursaries are divided into three classes—some are full free places, some are only half, and some receive only £10.

7351. Is this for the students of the Home mission?—The students for the Home mission have some free places, but they are confined sometimes to certain portions of the diocese.

7352. What is the fee charged to the students who pay?—£30 a year.

7353. Then when you speak of a bursar of £10, you mean that the student who receives it is educated for a fee of £20?—Yes.

7354. How many students pay the full fee of £30?—Well, of those who receive bursar, twenty-eight are for the Foreign mission, and eight the Home mission; all the rest pay the full fee of £30 a year.

7355. How many boarders and how many day pupils are at the school?—We have sixty-four boarders and thirty externs.

7356. Is the college solely an ecclesiastical institution?—No, we have got a theological department, and also one for a general literary education—a lay department. They are in different wings of the building with a different staff of professors for each.

7357. Do the theological students read philosophy?—Yes, but at present we have not a class reading philosophy, but they will take it up as they pursue their theological course.

7358. Do your theological pupils receive their training at first in the lay department?—Yes, as a rule they do, but the two departments are quite different. The students pass from the lay side to the clerical side of the college.

7359. Are your pupils on the lay side all Roman Catholics?—Yes.

7360. What is your course of instruction?—Well, the highest class on the lay side is the rhetoric class; we have two humanities; and then we have two or three preparatory classes reading the Latin, Greek, and French grammars, and primary classics, and also a junior class at English and mathematics.

7361. Do you send your pupils in for the Intermediate examinations?—Yes.

7362. How have your boys got on since they commenced to go in for the Intermediate?—We have received altogether £760 from the Intermediate Board, £440 of this amount is result fee, and of the remaining portion £360 is exhibitions, and about £20 in special prizes.

7363. I believe on one occasion a pupil of yours ranked very high in the list?—Yes, in the last exami-

nation one of our boys got second place in all Ireland in the junior grade.

7364. Do you send in all your boys for the Intermediate?—Yes, all the students of the requisite age have to compete.

7365. What subjects do you send them in upon?—Latin, Greek, French, English, all the mathematical subjects, natural philosophy, chemistry, and drawing.

7366. What means have you of teaching natural philosophy, and chemistry?—We got assisted all this year, as we are connected with South Kensington. This year South Kensington sent us £160; that all goes to the teachers.

7367. How many pupils did you send up for the South Kensington examinations to get that money?—We sent up 49 in mathematics; in chemistry we sent up 33; in sound, light, and heat, 32; in mechanics, 29. In the mathematics 25 of the boys got first class certificates, and 24 second-class certificates in the junior stage. In sound, light, and heat they got 20 first class certificates.

7368. How are you supplied with instruments for teaching the science subjects?—We have a fairly good supply of instruments; besides we got a supply recently, about £50, from South Kensington.

7369. What is your staff of teachers?—We have six priests, and one lay professor in charge of the students; these are exclusively devoted to the lay department of the college.

7370. Dr. Traill.—What does the lay professor teach?—Mathematics and French are his subjects; he has also charge of the Civil Service classes.

7371. What salary do you give him?—£130 a year; he is non-resident.

7372. Lord Justice Fitzgerald.—You prepare boys for the Civil Service examinations?—Yes, we have a Civil Service class for boys desirous of competing for Government appointments.

7373. Who appoints the staff?—The staff is appointed by the bishop.

7374. Rev. Dr. Meenan.—What does the first class certificate of South Kensington mean; does it mean that they have passed in what is called the advanced stage?—I presume it is given in every stage; first class means that they have done very well in the examination.

7375. How much shall you receive this year in result fees?—We will receive, I think, about £46, that is exclusive of prize, at least, that is what we have calculated them at.

7376. Have your numbers increased or diminished?—They have diminished, we had many more students some years ago. The majority of our students are sons of the farming classes, and the depression of the times affected our school very much.

7377. Lord Justice Fitzgerald.—What was the largest number you had?—About eleven or twelve years ago we had 112 boarders, and now we have only sixty-four.

7378. Had you accommodation for that number?—Yes, but that includes both sides of the house, both the lay and the clerical departments.

7379. To what do you attribute the fluctuations in the numbers?—To the fact that the students are unable to pay the fees; their parents are middle class farmers, and are unable to send their sons at a sufficiently early age for us to send them in for the Intermediate. If the boys are sent at an early age it means more expense to the parents.

7380. At what age do they come to you generally?—We do not get them young enough, they are not sent to us until they are about fourteen or fifteen, and then it takes fully two years to make them up in the subjects. They are fair in English and mathematics when they come to us, but know nothing about classics.

7381. Dr. Traill.—How do they get on with their classics?—They get on very well considering they commence them so late.

7382. At what schools are they taught before they

come to you?—In the country districts they receive their elementary education at the National schools, and in the town at the Christian Brothers' school.

7382. Have you any idea of the numbers in attendance at the Christian Brothers' School?

Most Rev. Dr. Browne.—There are about 400 on the rolls, and there is an average attendance of about 250.

7383. Lord Justice NAUGHTON.—If you had any further endowment as what use would you apply it?—We would apply it with the greatest advantage in the intermediate school, in the way of getting further professors.

7384. You would not think then of creating free places?—I would apply it in both ways.

7385. Lord Justice FRYGEMAN.—What is your yearly expenditure?—The salaries amount to about £255, keep to £240, then wages of the servants and other things amount to £235, but besides that we have to keep the students. The total expense last year amounted to over £2,200.

7386. How do you make up the difference between that and the endowment of £540?—The rest of the money is made up by the payments of the students, and through the fees of the externs.

7387. What charge do you make for extern pupils?—£5 a year.

7388. What proportion of these students go into the clerical department?—Three-fourths at the least, but some of those who do not go into the Church go into other pursuits—into the bank, and for medicine; some of them go back home. I would like to point out that our diocesan college represents a population of 150,000 Roman Catholics at the very least. It is the only Catholic College in the whole district of Ossory, and it also represents the county Waterford in a great portion. The nearest college is the one at Waterford, but that is exclusively for ecclesiastics. We have students from the county Waterford in our lay department.

7389. Is there a college at Carlow?—Yes, that takes all branches—there is a lay college and an ecclesiastical one.

7390. Do you find the Intermediate Examinations a fair test of the work done by the school?—We do; it is a very fair means of ascertaining the work done by the schools. I may say that if we had the pupils

coming to our college at an earlier age we could trouble our witnesses.

7391. Dr. TRAILL.—Do you find the parents sufficiently alive to the advantages of the Intermediate Examinations?—No, we do not; they are afraid to incur the expense of keeping them a long time at the college.

I can give the successes of the Loretto Convent at the Intermediate Examinations. It is one of the most successful schools in Ireland; within the past six years they have obtained seventy-six passes, ten exhibitions, eighteen prizes, and twelve medals, of which five were gold and seven silver, all for modern languages.

7392. How many pupils are at the school?—There are forty-three boarders and forty-seven day pupils, ninety altogether.

7393. Rev. Dr. MOLLOY.—Was the total number of pupils who passed only seventy-one during the six years; the exhibitions, prizes, and medals bear a very large proportion to the passes?—It was only lately they went in for the Intermediate. One of their pupils held the first place in all three grades. She held it throughout.

7394. Lord Justice NAUGHTON.—This is the only high school for girls in Kilkenny?—Yes.

7395. Lord Justice FRYGEMAN.—Where do the rest of the Catholic boys of Kilkenny get their education?—At the Christian Brothers' School, our terms are too high for many of the boys, and they go there.

7396. Do you not find them competing with you?—They never compete with us except in sending boys up for the Junior Grade, and then they do not touch the classics, they send them up only in English and mathematical subjects.

7397. Do you consider it judicious that the Christian Brothers should prepare boys for the Intermediate Examinations?—No; I think they should stick to their work of primary education; if they deal with the primary work we will be able to deal with the Intermediate work.

7398. Rev. Dr. MOLLOY.—Do the Catholics of Kilkenny gain any advantage from the Model School?—No. I do not think there is a Catholic going there.

7399. Dr. TRAILL.—But we found six there to-day?—Well, they must be boys from the country.

7400. Rev. Dr. MOLLOY.—What prevents the Catholics taking advantage of the Model School?—They are prevented by conscientious scruples.

#### THOMASTOWN PAROCHIAL SCHOOL.

Very Rev. Archbishop Gorman, Rector of Thomastown, sworn.

7401. Lord Justice FRYGEMAN.—There is a foundation from Lord Curriek at Thomastown for a parochial school?—Well, I have not been able to get hold of the original document; it seems to have been misplaced among his lordship's papers, but I have got a memorial of the deed, which will do as well, perhaps.

7402. Dr. TRAILL.—What is the amount of the endowment?—It is only a house and garden.

7403. Lord Justice FRYGEMAN.—I see that it is a grant of a plot of land and a house to the minister and churchwardens to hold for ever for a residence for a schoolmaster, and for no other purpose whatever, at the yearly rent of 1s. 10d.—Yes, that is the endowment.

7404. But we find also from the Report that there ought to be a sum of £215 1s. 10d. Government Stock invested under 8 & 7 Vic., c. 91?—That is still available, it is in my name, that of the late rector, Rev. J. L. Irwin, and Thomas Greene, Secretary Church Representative Body. It stood formerly in the names of Mr. Irwin and the late William Digges La Touche, but was transferred about three years ago. It is in the New Three per Cent. Stock and produces about £6 a year.

7405. From what did it arise?—It came from a Parochial Loan Fund established about forty years ago.

7406. Is the school under the National Board?—No, it is not connected with the Board.

7407. How is it maintained?—It is kept up by the small endowment and by private subscription.

7408. Have you a master in charge of the school?—We have only a mistress at present.

7409. How many pupils are there at the school?—There are fourteen children at it now.

7410. Is there any likelihood of the numbers being increased?—There are about six more pupils likely to attend the school when they grow up.

7411. Is the school available solely for children of the Church of Ireland?—No, not exactly, according to the words of the deed.

7412. Is the site of the school of any value?—There is a small garden, but I cannot make out what is the exact acreage of it.

7413. What are the premises rated at?—It was rated at £6 a year, but the amount has been reduced to £4 15s.

7414. Does Lord Curriek take an interest in the school?—Yes, the lease reserves to him the right of appointing a master.

Oct. 26, 1887.

Very Rev. M. Barry.

Very Rev. Archbishop Gorman.

Nov. 1, 1887.

## PUBLIC SITTING—TUESDAY, NOVEMBER 1, 1887.

At the Nicholson Memorial School, Lichburn.

Present:—The Right Hon. Lord Justice FITZGERSON, and the Right Hon. Lord Justice NAIRN, Judicial Commissioners; and the Rev. GERALD MULLOY, D.D., D.S.C., and ANTHONY TRAILL, Esq., LL.D., M.D., F.R.C.D., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, Junr., was in attendance.

## OBJECTIONS TO THE DRAFT SCHEME FOR THE NICHOLSON MEMORIAL SCHOOL.

Lord Justice FITZGERSON stated that, a preliminary inquiry having been held by the Assistant Commissioners, and a draft scheme having been published, the present sitting had been appointed by the Judicial Commissioners to consider the objections which had been made respecting that draft scheme. It appeared that the foundation was a grant of the site by Deed, dated June 2, 1864, from the Marquess of Hertford to Clara Nicholson, at the nominal rent of one shilling, with a proviso that if at any time any house other than a schoolhouse should be erected without the consent of the Marquess of Hertford or his agent, the lease should revert to the Marquess. It would therefore be the first duty of the Commissioners to provide that a good and useful school should be maintained. Mrs. Nicholson, the lessee, appeared to be the second founder, and probably the principal one, having supplied the money with which the schoolhouse was erected. By Lichburn dated October 11, 1864, she assigned the premises to the Very Rev. James Stannus, Dean of Ross, and Rector of the Parish of Lichburn, Magdalene Stewart, and the Rev. Wm. Dawson Pender, then Incumbent of Christ Church, Lichburn, for the use of the town, upon trust during the lives of the said James Stannus and Magdalene Stewart (both since deceased), and during the incumbency of the said William Dawson Pender (since deceased). That the premises should be used "as and for a Sunday school, and for such other religious meetings and purposes as shall tend to the promotion of the reading, teaching, and studying the Holy Scriptures and of Protestant truth, as they shall in their discretion think proper, and for no other use, intent, or purpose whatsoever, provided always that the full, free and unrestricted use of the Holy Scriptures shall be allowed to all and every child or children who may receive instruction and education in said school

from time to time." After the death of James Stannus and Magdalene Stewart, and the determination of the Incumbency of the Rev. William Dawson Pender, the Deed directed that the Incumbent of Christ Church, Lichburn, and his successors for the time being shall hold the premises for the remainder of the term for the purposes aforesaid only and for no other purposes whatsoever, and it provided that if the trustees or incumbents should permit the schoolhouse to be used for any purpose contrary to the conditions aforesaid the said Incumbent should determine. It would therefore appear that so long as the Marquess of Hertford's lease existed the desired premises were an educational endowment, and if Mrs. Nicholson's grant became void, the original lease would still require, under penalty of forfeiture, that the schoolhouse should be maintained as such. That being the position of the property, the first matter to be considered was whether the existing management extended the usefulness of the endowment so far as was desirable. The first question was whether a day school was to be carried on in the premises, and, therefore, the Commissioners desired to know whether those interested in the endowment wished that it should be made useful on week days as well as on Sundays. The point to be considered on that matter was the existing trustee, the Incumbent of Christ Church, Lichburn, for the time being. There was also an endowment of £300 under Mrs. Nicholson's will, of which they desired to obtain an account. That money was to be applied by the Incumbent in keeping in repair the schoolhouse so long as that schoolhouse should be maintained under the deed of 1864, and in case that deed became void, the £300 was to form part of her residuary property, and would cease to be an educational endowment.

## Rev. Arthur John Moore sworn and examined.

Rev. Arthur John Moore.

7414. Lord Justice FITZGERSON. — Are you the Incumbent of Christ Church, or the New Church, mentioned in Mrs. Nicholson's deed and will?—Yes, since June, 1886.

7415. And see you now in possession of this school as such incumbent?—I am.

7416. How is it used?—For a Sunday school, and for various meetings and classes in the evenings, through the week; there is nothing in it during the day time.

7417. Are any meetings held in it in the day time?—No. It is idle all week days.

7418. Could it be usefully employed during the day?—Yes. Being a trustee, I am quite as anxious as any person to have proper respect paid to the donor's intentions and wishes, but I do not see any difficulty in those wishes being carried out in the school being used as a Sunday school, and for other purposes. If a governing body opened a day school in the building, provision would be made that religious instruction should be given to all; if under the National Board, there is the Conscience Clause.

7419. Have you any day school connected with your church?—A small school in the country. None in the town.

7420. Where are your children taught?—The Church people have no school in Lichburn connected with their Church. The Presbyterians have two schools and the Methodist body have recently opened one. Those are the only National schools, with the exception of the Roman Catholic National school.

7421. Are those three schools in connection with the National Board?—They are.

7422. Where do you expect the children to come from—who would attend this school if opened as a day school?—There are numbers going to a day school which is not very convenient, and some not going to school at all. The population is on the increase and there is really great need of a school. The Church population is more numerous than any other body in the town, and the working classes, of which my congregation largely consists, feel aggrieved that they have no school in connection with the church.

7423. Lord Justice NAIRN. — Does your church

encompass the entire of Lieburn 1—No, only a section of it; it was taken off the original parish of Maris.

7434. Lord Justice FRITHGIBSON.—What is the Church population of your parish 1—I could not state the population inside the district, but we have in connection with the Church some 800 families which represent about 4,000 individuals.

7435. You are manager of the Sunday school held here 1—Yes.

7436. What attendance have you 1—About 350 in the morning and 300 in the afternoon. On the rolls we have altogether 800 children.

7437. Are these all from your own parish 1—Yes, from my own congregation.

7438. How many of those want primary school education 1—Of course a great many of those are beyond school age—young women working in mills—but I am quite sure there are 500 children at any rate, of school age, belonging to my congregation.

7439. If this school was opened as a day school, how many pupils could you attract 1—I am quite sure we could soon have 300 at least.

7440. Are you in a position to undertake to give instruction in the Protestant religion and in the Holy Scriptures 1—Certainly; excluding Roman Catholics, who, of course, would be exempt under the Conscience Clause.

7441. Would they come 1—I don't think they would, for they have a school of their own. In my present school the children get religious instruction every day.

7442. Who do you think should have the management of the day school if opened here 1—Of course, as the deed stands, it was contemplated that as long as this indenture exists the Incumbent of Christ Church should be manager of the Sunday school and of the building.

7443. There is nothing about any day school in the deed 1—No. Of course that is a matter which must be decided by the Commissioners.

7444. Lord Justice NASEH.—Give us your views as to the management 1—If the incumbent and the churchwardens were incorporated, I think that would be sufficient for all practical purposes. After the school is started there is very little to be done.

7445. Lord Justice FRITHGIBSON.—The churchwardens change from year to year—would you see any objection to persons being elected for this purpose 1—One reason why I suggested the churchwardens was that it would prevent any necessity for election as they would be officio.

7446. But they are different people in different years 1—Yes, they are.

7447. You might therefore lose the best school people if they were not the churchwardens. Do you think the best man for looking after the seats in the church, which is the duty of the churchwardens, would

necessarily be the best man to look after the school 1—No, I do not say that.

7448. Lord Justice NASEH.—Are any of the 300 children whom you expect receiving no education at present for want of a school 1—If all the children needing education came to the school I don't think there would be sufficient accommodation.

7449. And some children that would come here are now attending Presbyterian schools 1—I think so.

7450. Lord Justice FRITHGIBSON.—What means have you of giving religious education to the Church children now attending these other National schools 1—I have none.

7451. Dr. TRAILL.—You have no right to go into these other National schools to look after your children 1—Not without the managers' consent.

7452. Lord Justice NASEH.—Your opinion is that the Church children should be educated in a school under the care of the incumbent 1—We feel that our own children should have that privilege.

7453. Lord Justice FRITHGIBSON.—Do your children now get no religious instruction from any minister of their own church except on Sundays 1—No.

7454. If you had this school what religious education would you give them 1—I would most decidedly give them daily religious education.

7455. Through their clergy or teachers, or through both 1—Through both.

7456. Dr. TRAILL.—As a matter of fact, by the last census, the Church population of Lieburn is about equal to all other denominations put together 1—I dare say it is.

7457. Lord Justice FRITHGIBSON.—Do you know anything about the view of the present owners of the estate on this matter 1—I do. Sir Richard Wallace and his agent are both quite favourable to the opening of the day school. I have had communications with both of them, and they are quite willing to give me every facility.

7458. Dr. TRAILL.—Have they promised to contribute anything 1—Yes, Sir Richard Wallace has promised £100 for making an enlargement if we require it, for providing sanitary accommodation, school furniture, and the other matters necessary for the day school.

7459. How do you receive the interest on the £200 1—I have never received that interest; I never knew of it until quite recently. I may remark that the draft scheme requires that "The Governors shall provide religious instruction and scriptural education in accordance with Protestant principles and doctrines for all Protestant children attending the school." I think that fully meets the case.

7460. Lord Justice FRITHGIBSON.—Would any gentlemen present like to give us any information as to whether this school should be opened as a day school 1

#### Rev. John H. Seymour examined.

I would insist most upon the intention of the founder. The last enquiry here it would appear to me was one-sided, as it was those who were in favour of the change who were heard. I was not consulted at the last enquiry, and knew nothing of it until it was held, and I believe it was the same with regard to Mrs. Nicholson's only surviving child. Mrs. Nicholson held very strong views on the subject of education. She was greatly opposed to the National Board, and I am positive she never would have spent her money on this building if she had had any idea that after her death a National school would be opened in it.

7461. Lord Justice FRITHGIBSON.—Perhaps, strictly speaking, as being merely a relative of the lady who built the school, you are not directly interested, but we shall be glad to hear you. The first practical point is what were her views with regard to having a day school here at all; it is clear that she desired to

promote religious and scriptural instruction, and keeping this building closed is depriving children of her own church of any religious instruction through their own clergy except on Sundays 1—I do not want to enter into a discussion on that matter; it is the principle I am looking to. I think it is wrong in principle to violate her wishes.

7462. Dr. TRAILL.—How are we to gather her intentions except from the original document, and she never mentions the National Board in that document from first to last 1—If you think the members of her own family are unworthy of belief you can do so.

7463. Lord Justice NASEH.—Do you think Mrs. Nicholson's intentions were that this building was never to be used except as a Sunday school, and was to be closed against one particular form of education 1—She was very much opposed to the National Board.

Rev. J. H. S.

Rev. Arthur John Moore.

Rev. John H. Seymour.

Nov. 5, 1885.  
 Rev. John W.  
 Boynton.

17454. Was that because she thought the religious instruction of Protestant children would not be safe under the National Board?—Well, with reference to the Protestant children we know it is the principle that no reference can be made to the Bible during so many hours in the day. I have a document in my pocket which was drawn up and signed by all the Bishops of the Irish Church, except the Archbishop of Dublin, a long time ago on the question of National education, and if it is stated that Mrs. Nicholson held strong prejudiced views on the subject I may add that a large number of the clergy also held strong views on it.

17455. Lord Justice FITZGERALD.—But Lord Justice TRAILL asks whether you think her intentions were that the school should not be opened except on Sundays. If you think she intended it to be open only on Sunday the question for us is whether having regard to the Marquis of Hertford's lease, we ought to continue that restriction. If, on the contrary, we come to the conclusion that consistently with her intentions it may be opened on week days, we will then come to the next question—on what terms it should be opened as a day school. I would require as a condition of opening it as a day school, that every child who came into it should be provided with *free* Scriptural instruction, but I do not mean by *free* Scriptural instruction, compulsory instruction—I never heard her express any wish as to the use of it as a day school.

17456. Dr. TRAILL.—The restriction she puts on the document is that it is not to be used as a day-school. Do you think it should be used as a day school, but not under the National Board?—I would infer that from her views and her mind on the subject.

17457. Was her mind that she did not want it to be a day school at all?—I know her mind as to the National Board.

17458. Would you, as a relative of hers, think that you were at liberty to open a day school here on your own terms?—Well, I would, I think.

17459. But if you were to open it, it would be under the Church Education Society?—It would.

17460. Then you would be tearing her will to bits and disregarding her intentions?—Well, I would not do it without getting advice on the subject.

17461. Whether do you consider it a greater evil to leave the Church children meeting National School education in schools under the management of other denominations, without their own clergymen giving them any religious instruction except on Sundays, or to open a school here in which their clergymen would

have access to every child?—That is not the point with me.

17462. But that is a very important point. You have admitted that you would yourself go against Mrs. Nicholson's intentions, provided the school was opened as a day school on your own terms.—I understood you to say that most distinctly—I did.

17463. Now which do you think would more carry out Mrs. Nicholson's wishes—that the children should be left at large without any religious instruction on the week days or come here and be instructed day by day in the Scriptures; which do you say, knowing Mrs. Nicholson's ideas, would be more in accordance with the spirit of her intentions—the children being educated here under their own minister or receiving no religious instruction in other schools in Licham?—I think it was Mrs. Nicholson's intention that the children at this school should not receive instruction under the National Board.

17464. But it is admitted now that the children are getting no religious instruction at all in the other schools—no instruction in the formularies of their Church—on the week days, and I ask you whether Mrs. Nicholson's intentions would not be carried out better with a day school where they would receive religious instruction every day?—I think they should get such instruction every day.

17465. Well, every Protestant child that comes here will get that religious instruction according to the draft scheme.

17466. Lord Justice FITZGERALD.—In the proposed scheme there is a power of bringing the school under the National Board. There certainly ought to be no provision in the scheme which could relieve the minister from the obligation of providing daily religious and Scriptural instruction for all the children of his own denomination and for all others willing to receive it—we should make it obligatory on him to do so!—But if Roman Catholics were to come.

17467. Do you want us to provide for what may happen if the sky falls?

17468. Dr. TRAILL.—You don't suppose that a priest would send them here willingly?—No.

Lord Justice FITZGERALD.—The school is to be used for a Sunday school and for such other religious meetings and purposes as may tend to the promotion of the reading, teaching, and studying the Holy Scriptures and of Protestant truth. We therefore need not provide for the case of Roman Catholic children coming.

Rev. Canon Wm. Dawson, Founder recalled.

Rev. Canon  
 Wm. Dawson,  
 Founder.

17469. Lord Justice FITZGERALD.—Do you know whether during the time Mrs. Nicholson lived after the foundation of this school it was ever used as a schoolhouse on week days?—There was a night school twice in the week in it for a time, and the young people were taught reading and writing, and everyone was taught the Holy Scriptures.

17470. Dr. TRAILL.—Were you Incumbent at the time?—I was.

17471. Did you consider that to be forbidden in her will?—No, I do not see that.

17472. She says it was for religious meetings.—But she mentioned that it might be used for a day school. Dr. TRAILL.—Certainly not.

17473. Lord Justice FITZGERALD.—Was it her intention that it should be used as a day school?—Yes, her first intention was a Sunday school. I said I thought it was a great pity it could not be used as a day school, and she said she would put a clause in her deed to enable it to be used as a day school on the ground that the children should be taught the Scriptures.

17474. If that were carried out would it be in accordance with her intentions?—It would, but there should be an amendment in the draft scheme that

the school should not be under the National Board which would not allow the free use of the Scriptures absolutely.

17475. What do you mean by not allowing it absolutely?—It would allow it practically, but what I proposed was that it should be under the Incumbent and Church management with Scriptural instruction, not necessarily that the school should be under the Church Education Society. In the future it is expected that the National Board will become denominational.

17476. Then you wish us to provide for opening a day school at which the children should receive religious instruction?—If it is a school at which all the children would receive such instruction.

17477. But who would there be to refuse such instruction?—The parents of any Roman Catholic children.

17478. Dr. TRAILL.—Surely no Roman Catholics would be coming here?—I am not quite sure, I think there would; there are Roman Catholic children attending other National schools in town.

17479. Suppose Presbyterian and Methodist children came here would they refuse the religious education?—I don't think they would.

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Rev. Canon  
Wm. Davies  
President.

7480. Do you think there would be any Roman Catholics in this school to prevent religious education from being given to every child in it?—I don't think the proviso in the will could be carried out if one case.

7481. The deed says:—"The full, free, and unrestricted use of the Holy Scriptures should be allowed to every child" would not the Scriptures be freely open to all?—Not if the parents of the child tell it not.

7482. Lord Justice FRY-GIBSON.—Then, in your view, would it be free Scriptural instruction to instruct a child whose parents forbade the child to get it, and when the child did not want to take it?—I don't suppose it would, but the schoolhouse was built by Mrs. Nicholson as a memorial to her children and she wished to prevent the possibility of the exclusion of any child that ever entered the school from receiving instruction in the Scriptures. She wanted to have the rule so strict that no one could be instructed in the school that did not receive religious instruction.

7483. Dr. TRAILL.—The proviso is that "the full free and unrestricted use of the Holy Scriptures should be allowed to all and every child or children who might receive instruction and education in the said school from time to time;" that is provided for in the said scheme?—I say not with the word "allowed" there.

7484. You want to put it that the Scriptures should be forced on every child?—I think that the Incumbent will allow free Scriptural instruction to every child that comes, but I do not think he can do it without getting permission.

7485. It is only in the case of Roman Catholics that this permission is required, but the chances are Roman Catholics would not be here at all; you want to have the Scriptural education given compulsorily even to them in this school?—The proviso should be in that, it is to be a Protestant school.

7486. Lord Justice FRY-GIBSON.—The draft scheme says:—"The Governors shall provide religious instruction and Scriptural education in accordance with Protestant principles and doctrines for all Protestant children attending the said school;" if that does not make it a Protestant school I don't know what does. Would it not be much more a Protestant school if receiving children under this clause than excluding them from religious education altogether by keeping the place shut?—It was Mrs. Nicholson's objection to the National Board that led her to adopt this course, and I said to her that perhaps the National Board might change the constitution.

7487. Dr. TRAILL.—You foresee what is very likely to happen, but until that has happened would you exclude the children from getting religious instruction every day?—No, but I would propose a school in which all children could receive religious instruction.

7488. How many schools have you in this parish—not in your own parish, but in this parish?—There is only one parish in Lislebury; Christ Church is a parochial district.

7489. Well, in this district how many schools have you?—Two.

7490. One is called the Free School and the other Iron Hall Street School.

7491. Lord Justice FRY-GIBSON.—Who manages the Free School?—A committee.

7492. How are they appointed?—By the committee themselves; one or two vacancies have been filled up to that way.

7493. They are appointed by co-option?—Yes.

7494. Dr. TRAILL.—That school was originally built by private subscription?—Yes.

7495. And some funds were left to it from time to time?—Yes, to the Incumbent of the parish of Lislebury.

7496. The school is situated in the parochial district of Christ Church?—Yes.

7497. Has the Incumbent of Christ Church a place on the Committee?—He had in the former case, but I don't think there was any change since Mr. Moore came.

7498. He is not on the committee?—Not ex-officio.  
7499. How many are there on the committee?—Mr. McCall, Mr. Jefferson, Mr. Mack, and I think another.

7500. Do they ever meet?—Not often.

7501. What religious instruction is given in that school?—The Holy Scriptures are read there every day.

7502. Lord Justice FRY-GIBSON.—We went there to-day, and it certainly was a melancholy sight. There was only one child, recently promoted, in the fifth class; there was no sixth class. Nine children were in the third class; the bulk of the school were in the first class, receiving most rudimentary instruction, and there was only one poor teacher trying to struggle with the task of teaching them all, and as far as we could discover, no clergyman gave any religious instruction whatever in the place.

7503. Dr. TRAILL.—The other school was worse—twenty-four children and one teacher?—It was established as a sort of ragged school.

7504. Neither of these schools appeared to have any advanced children at all?—I think the children are taken away early to go and work in the mills.

7505. But are not the half-timers required to attend school?—Yes.

7506. Why do they not take to those schools?—I do not know.

7507. These children, the half-timers, are required to get their education in a National School; they are not at your schools. Does that not prove the necessity of having a National school here?—I did not know that was the rule.

7508. Does not that point to the necessity of having a National School here for the benefit of the Church children?—It is very expedient, no doubt.

7509. Lord Justice FRY-GIBSON.—Would it meet your difficulty if we gave prominence in the scheme to the absolute obligation of giving religious instruction to all Protestant children attending, and also made it the duty of the manager of the school, the clergyman of the Church, to provide religious instruction daily in the school?—Mrs. Nicholson's object was to promote "Protestant truth," and what Protestants believe to be true would then be taught in her school to every Protestant child?—If it was any other school but this one, I would consider that this might be unobjectionable, but this proviso was put in in order to exclude the possibility of such a principle being laid down.

7510. Dr. TRAILL.—Do you think that proviso was put there to meet the case of one Roman Catholic?—It was to meet the case of putting it under the National Board.

7511. Mrs. Nicholson had not Roman Catholics in her mind at this time?—I do not know.

7512. If we see that Protestant children receive religious instruction are we not carrying out her wishes. Would you sacrifice the religious education of 500 Protestant children on the chance of one Roman Catholic child coming in here, keeping two schools like the wretched places we saw here to-day. We found them in a state of perfect misery; the working classes are not satisfied with them. Working men came forward the last day we sat here, and said they would not have the education of their children spoiled by any such theory.

7513. Lord Justice FRY-GIBSON.—Where is the £200?—It is in the funds in the name of the three executors, and the dividends have been spent up to the last year on this house. I was under the impression until this enquiry came on that it was as the trustee I held the money, and I just left it out on the house. Last year Mr. Chamberlain laid out the money on repairs, and then there was the insurance, etc.

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Rev Canon  
Wm. Dawson  
Preston.

7514. Dr. TRAILL.—What balance is there to the credit now?—One year.

7515. How much is that?—£8.

7516. It is £200 exactly, is there any fractional sum?—£300.

7517. She gave £300 to be invested?—Yes; it was not invested at first; it was only invested of late.

7518. That is in the name of the three executors?—Yes, Mr. Maxwell, Mr. Seymour, and myself.

7519. Is that specific sum invested in stock?—Yes.

7520. What year did you cease to be incumbent?—1884—three years ago.

7521. I suppose you can easily make out a balance about?—I can.

7522. And pay over the balance to Mr. Moore?—Yes.

*The Lord Bishop of Down, Connor, and Dromore examined.*

Lord Bishop  
of Down.

7523. Lord Justice FRANKLIN.—Have you formed any opinion as to whether it would be for the advantage of the Protestant community to open this building as a day school?—Yes; that it would be.

7524. Do you think this school is necessary?—I do; under existing circumstances it is.

7525. You have heard the evidence that at present the children of your church get religious instruction only on Sundays?—Yes.

7526. Do you think it possible to make provision that they should get religious instruction here daily?—Yes.

7527. Would you approve of that?—Yes.

7528. Would your lordship have any objection to act as a member of the Governing Body; the whole question being about religious instruction it would be well to have some authority to look up to?—I cannot answer that question at present; the matter is only brought under my attention now. I do not know who the Governing Body may be.

7529. What is your opinion regarding the Governing Body?—My opinion would be largely that of Mr. Moore.

7530. Whether would it be better to have the churchwardens or a couple of parishioners specially selected?—I should prefer the churchwardens.

7531. They change every year?—You must specify how the others are to be appointed.

7532. One of them might be appointed by the

incumbent and the other by the select vestry?—The select vestry is a fluctuating body.

7533. But it elects one of the churchwardens, usually changing every year, while the select vestry remains almost entirely the same, and could elect a suitable Governor annually.

7534. Dr. TRAILL.—If Mr. Moore had the selection of a layman out of the select vestry would you think it advisable that the curate should be an ex officio Governor, and be put on the Governing Body as well as the rector as he is also a member of the select vestry?—Yes, I would be satisfied with the curate.

7535. It is important to have on the governing body either five or seven so that the chairman should be the old member?—Yes, and have the casting vote.

7536. If he had the casting vote and the selection of one layman he would have the whole affair in his pocket, if there were only three Governors.

7537. Lord Justice FRANKLIN.—We might meet Mr. Moore's wishes if we had the Bishop and incumbent ex officio, and allowed the incumbent to nominate one other member; that would give him three, the select vestry or the general vestry might appoint two more; that would make five; and if there was any difference of opinion among the four they could call in the Bishop?—As to the appointment of the individual I was not prepared to say anything.

*Walker T. Shannon, D.L., sworn, and examined.*

Walker T.  
Shannon, D.L.

7538. Lord Justice FRANKLIN.—You were agent for the estate at the time the site for the schoolhouse was granted?—I was.

7539. Can you give us the views of the grantor as to the school?—Well it was mainly for a Sunday school, but there never was any intention to prevent its being a day school during the week.

7540. You mean as regards the Marquess of Hertford?—Yes, and also as regards Mrs. Nicholson; she was a most excellent woman; a good Church woman, but I don't think she was a supporter of the National Board.

7541. I think it is quite clear she was not?—Had she lived any length of time she might have changed her opinions. Mr. Seymour mentioned that the Bishops of the Church were at one time against the National Board, and even mentioned that the Lord Primate was opposed to it, but every one of those Bishops came round to the National Board, and the Lord Primate himself was a supporter of it before he died. I believe that Mrs. Nicholson being a very sensible woman would not have allowed her feelings against the National Board to interfere with the opening of a day-school in this building provided proper religious instruction was given to the children.

7542. Do you think it would be advantageous to the Protestant inhabitants of the district to have a day-school here?—I do; most advantageous. I don't think there is a town in Ireland in which there is a greater deficiency as regards the teaching of the humbler classes. There is a school at my gate, just opposite there, and there are a few children attending it. There is a school-master who I believe is very

willing to do his duty if properly paid, but from inquiries I made, I find there are no funds. It is worked by the Church Education Society. I have spoken to the incumbent myself on several occasions as to the want of education for the children of the town. The children are running about the streets of the town without receiving any education and from conversations I had with the Rector of Lishorn, I think that he does not feel justified in starting the school under the National Board. I have discussed the subject with him from time to time, and he says that his principles won't allow him to place the school under the National Board. The school is managed by a Committee; I was one of them about twelve or fourteen years ago, but I was absent from Lishorn some time since, and I think there are now only three or four who were members of the Committee at that time.

7543. Dr. TRAILL.—When you were on the Committee who were the trustees?—I could not answer that.

7544. Do you think if there was a good school established it would be a wise thing to utilize the funds here?—I think if there was a good school established, and put under the National Board there would be sufficient children to fill both schools, and I think it is a crying shame to have these two fine buildings empty all through the week. I believe every other religious denomination in Lishorn has its own schools.

7545. Lord Justice NABES.—Are there Roman Catholic National Schools?—Yes.

7546. Large enough to supply their wants?—Well

I have heard of no complaints, but they have one close to their chapel, and I think it a very great hardship that the members of the Church of Ireland which, as you have heard, are equal to the population of all the others put together, have no place to educate their children in. You are well aware that whatever school children are in the habit of attending they think is connected with their religious persuasion, and when there is such a large religious body as the Church of Ireland in Limerick there should be an arrangement for them to educate their own children.

7547. What Church Schools are there in Limerick?

*John Ruddy sworn and examined.*

7548. Lord Justice FRYGUESON.—What evidence do you wish to give?—I wish to speak relative to the governing body of the school. I know a good deal of the feeling of the people of Christ Church, and the feeling of the congregation and of most of the Vestry is that there should be a large Governing Body. They would not be satisfied with the clergyman and his two churchwardens and the bishop behind; they do not pin their faith to the clergy at all. You are aware that the Incumbent has the appointing of one of the churchwardens and that the congregation has the opportunity of appointing the other. I think two members of the Governing Body should be taken from the Vestry in addition to the two churchwardens. The churchwardens would be appointed irrespective of the school, and they change every year, and there is nobody so good a governor as those who attend year after year.

—I might say there are no schools except the Sunday schools. There is a school up by here which is scarcely entitled to be called a school for it is nearly empty.

7549. Dr. TRAILL.—The population of Limerick at last census was as follows:—Roman Catholics, 2,305; Church of Ireland, 5,223; Presbyterians, 2,382; all other denominations, 8634—I think the children of the Church of Ireland are entitled to a good school instead of being scattered here and there, and the great majority of them running wild through the streets.

Feb. 1, 1887.  
Walter T.  
Stinson, A.C.

7550. Dr. TRAILL.—If Mr. Moore were to select John Ruddy one of your vestry, and the vestry selected two more, and you had the bishop at the head of the whole, do you think all would work well together?—Yes; I think the congregation would approve of the whole thing.

7551. What is your opinion about the want of education?—I think it is very much required.

7552. And you think a day school here would be a great advantage to Limerick?—I am quite satisfied of that, and I think so is everyone in the congregation.

7553. Are you aware of that arrangement as to half-time girls which I mentioned already?—Yes.

7554. And therefore they have to go to National schools under the management of other denominations?—Yes.

*Thomas Beggs examined.*

7555. Lord Justice FRYGUESON.—What do you wish to mention?—As one of the working classes I would have more faith in a governing body being composed of the incumbent and two churchwardens, and two taken from the select vestry, for this reason.—I, as a working man, could go and speak to the select vestryman, when I could not approach Mr. Moore on all occasions.

7556. Dr. TRAILL.—Why not?—The members of the congregation would be more readily got at.

7557. Are you not a member of his congregation?—No, I am a member of Queen's Foundation's congregation.

7558. Lord Justice FRYGUESON.—Where do you send your children to school?—I have sent my children to a school connected with the National Board for the last twenty-two years, and would send them anywhere else, and I think it would be the greatest boon that could be given to the children of the Church of Ireland in Limerick if this school were placed under the National Board. Hitherto we have had no schools to send our children to except schools under the Presbyterians, or the Chapel, or the Methodists; the fact is simply this, that it shows other people have more faith in their clergy than we have. If this school was utilized as a National school we would have some place to send them to. As to the Free School I would not send any child to it. I was taught myself at a school under the Church Education Society, and I know very well the sort of education given there. Since I was married I had to go to a night-school to get any little education I have. I have no faith whatever in the education given at those schools, and it is perfectly true that the certificate of proficiency given to "half-timers" cannot be given from those schools.

7559. Dr. TRAILL.—If there is a National School in the neighbourhood the inspectors require them to go there?—Yes; out of a population of 12,000, I think, about the half belong to the Church of Ireland, and it is a crying shame that years and years ago they had not a school of their own under the National Board, and only for Queen's Foundation and others who

blocked the way, we would have had these schools, and our children would not have been kept back. I say the greatest credit is due to the Presbyterians of this town for the education they provided to the advantage of Limerick.

7560. You would not like to have young children kept back in the case of life for want of education?—No, I would not.

7561. Lord Justice FRYGUESON.—We have now, I think, heard the views of all parties, and it seems to be the unanimous opinion that it would be greatly for the advantage of the Church children of the place that there should be a day school here as well as a Sunday school. We must give greater prominence to the intentions of Mrs. Nicholson and provide that the education to be given shall be a Protestant and Scriptural education, and that this education shall be freely open to all children who attend this school. It is certain that none but Protestant children will attend this school, and the scheme will provide for giving full effect to her intentions as to all such children, and at the same time will extend the usefulness of the site and building which Lord Hartford and she provided, during the day. We will deal with the matter upon these principles, and if the scheme does not command itself to all parties, it will be open to them to appeal against our opinions, but as we think it would be a great benefit to the locality to have this place available for the instruction of Protestant children under their own clergy men, we cannot keep it shut up from Sunday to Sunday. As to the Governing Body, that is a matter of detail. There are several proposals which we will consider; we wish we could have the Incumbent and some members of his congregation specially selected as taking an interest in the school, and that they should have the Bishop to refer to, but we cannot force that upon the Bishop. We will revise the draft scheme on these lines, and submit it to the Lord Lieutenant in Council, and if it is hereafter decided that this building must lie idle for six days out of the seven, we cannot help it.

The inquiry then concluded.

Nov. 26, 1887.

## PUBLIC SITTING—SATURDAY, NOVEMBER 26, 1887.

At the Office of the Commission, 23 Nassau-street.

Present:—The Right Hon. Lord Justice FITZGERSON, and the Right Hon. Lord Justice NAIR, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., D.Sc.; ANTHONY TRAILL, Esq., LL.D., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Secretary, WM. EDWARD ELLIS, Esq., LL.B., and the Assistant Secretary, N. D. MURPHY, Junr., were in attendance.

## THE ROYAL IRISH ACADEMY OF MUSIC AND THE COULSON BEQUEST.

*Stephen Roman, Esq., B.L.* (Instructed by Messrs. Maxwell, Weldon, and Co.), appeared on behalf of the Commissioners of Charitable Donations and Bequests.

*Alderman F. B. Dillon*, and the Right Hon. *The Lord Mayor*, M.P., represented the Dublin Corporation.

*Mr. Walker*, Solicitor, appeared for the representatives of the late Mr. James Ward, one of the trustees and executors of Miss Coulson's will.

*Sir Francis W. Brady*, Bart., Q.C.; *Sir Thomas Jones*, F.R.I.A.; *Sir Robert P. Stewart*, Mus. Doc.; and *Mr. George Cress*, represented the Royal Irish Academy of Music.

There were also present:—*Sir George E. O'Shea*, J.P.; *Robert Sexton*, J.P.; *William Beetham*; *D'E. Dunn*, LL.B.; *E. S. Meredith*; *T. R. G. Cook*, Mus. D.; *Joseph Smith*, Mus. D.; *Brendan Rogers*; *E. Houghton*; *James Cecil Meredith*, LL.B.; and *James W. Drury*, M.A.

1883. Lord Justice FITZGERSON.—It may simplify matters and save time in the end, if I mention shortly how the case of the Royal Irish Academy of Music and the Coulson Bequest comes before us to-day, recalling what has already been done in the matter. On March 10, 1886, we held a public sitting, at which the Dublin Municipal Corporation, the Commissioners of Charitable Donations and Bequests, the Trustees of the Coulson Will, and the Royal Irish Academy of Music were all represented; and at which we proposed to take evidence with a view to framing a scheme for the joint administration of the Coulson bequest, and of the existing endowments of the Royal Irish Academy of Music. At the opening of our proceedings Mr. Roman, for the Commissioners of Charitable Donations and Bequests, called attention to the fact that proceedings were already pending in the Vice-Chancellor's Court for the settlement of a scheme for the management of the Coulson bequest. These proceedings were not convenient with the Royal Irish Academy of Music, which, I presume, was not within the jurisdiction of the Vice-Chancellor. It was then stated to us, on behalf of the Corporation, that, having regard to the terms of Miss Coulson's will, under which the Lord Lieutenant, the Lord Mayor and Corporation of Dublin, and the executors of her will were charged with carrying out the trusts, the Corporation, in conference with the Council of the Royal Irish Academy of Music, had appointed a committee of their body to act with the Royal Irish Academy of Music and the trustees of the will in applying to the Court of Chancery, and that the proceedings in Chancery, which were necessarily limited to the Coulson bequest, were taken by the Commissioners of Charitable Donations and Bequests as petitioners at the joint request of the Corporation and the Academy. As the parties were all in attendance, we took evidence as to the constitution of the Academy and the administration of the Coulson bequest, in order to advance the matter as far as we could, and to ascertain whether it was a case in which we could with propriety exercise the powers of our Act, but we felt that we ought not to carry our proceedings further while those in Chancery were also in progress. We accordingly allowed the matter to stand over for the

purpose of ascertaining whether the necessity for continuing the Chancery proceedings might not be obviated by our undertaking the settlement of a joint scheme for both endowments. We afterwards received a letter from Mr. Cress, Honorary Secretary of the Academy of Music, on June 1, 1886—informing us that the proceedings in the Vice-Chancellor's Court were adjourned for a fortnight, on the application of counsel for the Corporation, with a view to the resumption of the inquiry before us; but in a second letter, dated June 5, 1886, Mr. Cress informed us that it was desirable to ascertain clearly whether the adjournment was granted by the Vice-Chancellor with a view of giving time to proceed with the inquiry before our Commission, as a difference of opinion existed as to the ground of the adjournment. We accordingly set the case down again for June 1, 1886, when Mr. Bewley, Q.C., appeared for the Corporation, and Mr. Maxwell for the Commissioners of Charitable Donations and Bequests, it appeared uncertain whether the Vice-Chancellor had postponed the proceedings with a view to our preparing a draft scheme, and we, therefore, felt that we could not with due respect to him proceed to draw it up until the proceedings before him had reached some definite conclusion; but we saw no reason why we should not continue the inquiry and hear the views of the Corporation and of the Academy of Music on the subject, especially as regarded the Academy itself; and accordingly a number of witnesses were examined—Sir Francis Brady, Sir Robert Stewart, Mr. Dillon, and others. At the conclusion of their evidence the matter stood adjourned generally to await the result of the proceedings in Chancery, and so the case has stood since. On December 9, 1886, we got a letter from the Town Clerk, with "the request that, now that the proceedings before the Vice-Chancellor are at an end, the Commissioners will be pleased to resume the proceedings for the settlement of a scheme," and sending copies of a proposed scheme framed at a conference between the Committee and the Council of the Academy. On receipt of that letter, we, on December 11, 1886, ordered:—"That the Town Clerk be informed that his letter will receive attention at the earliest possible date, but that in consequence of the number of draft schemes now in course of prepar-

tion it is impossible for the Commissioners at present to fix a date for resuming the consideration of the matter." Nothing more was done until November 1, 1887, when we got a further letter from the Town Clerk asking us to inform the Committee of the Corporation which had charge of the matter at what time we would be prepared to take it up. As they had patiently waited for nearly a year we thought the least we could do was to fix this sitting, giving three weeks' notice to all parties concerned. That is the way the matter now stands, and the gentlemen present will remember that we have already taken a body of evidence about their wishes in the matter, that we have also got a draft scheme lodged as the joint proposal, as I understand, of the Corporation and the Academy of Music, and that we also have a report from the Corporation dealing with the subject. I believe that since the matter was last before us a scheme has been settled in Chancery for the administration of the Coulson bequest; that deals with only a part of the subject-matter open to our consideration, but we ought first to know how far the settlement of that scheme affects the views previously laid before us.

1863. Mr. Rosen, *c.*—I am instructed to appear here on behalf of the Commissioners of Charitable Donations and Bequests, and what I have to do is very simple and very short. I called attention, on the last occasion I attended here, to the fact that the Vice-Chancellor had this matter before him, and had referred it to Chancery, and that under those circumstances it would be only proper for you to stay your hand. I then stated that it would be indecent and improper to have any conflict between this tribunal and the High Court of Justice; and I called attention to what occurred to a legislative declaration. I refer to the 52nd Section of the 32nd and 33rd of Victoria for that. That section is conspicuously absent from the statute constituting your Commission. Therefore, when we find in England, where both tribunals have jurisdiction, that the statute says the Court shall not go on, and when we find no such statement in the corresponding Irish statute, it means that the Court is to proceed, and by implication that the Commissioners are not. Now, what has taken place? A draft scheme was brought in before the Vice-Chancellor—a draft, it was alleged, of a joint scheme which has been just handed in, was furnished by the Academy of Music and the Corporation, and was brought before the Vice-Chancellor. The Corporation were represented on that occasion, the Academy of Music was represented, and the trustees of Coulson's will were represented; and with the assent of all parties, and after a long discussion, a careful examination of the merits of the draft, after frequent adjournments for further consideration of different points, a scheme was prepared and settled by the Vice-Chancellor on the 19th of July, 1886, and confirmed on the 8th of August, 1886. That scheme was prepared and confirmed for the further regulation of the Coulson bequest with the assent of the Corporation, with the assent of the Academy of Music, and with the assent of the trustees of Miss Coulson's will. That scheme having been so settled has been in operation since. It has hardly had a fair trial, and what I submit now on behalf of the Commissioners of Charitable Donations is that the Court of Chancery having jurisdiction over this matter, the law prescribes that the Court is to go on, and that this Commission is to stay its hand. On these grounds I am instructed by the Commissioners of Charitable Donations and Bequests to protest on their part against any such interference on the part of this Commission.

1864. Lord Justice FRYGROVE.—Allow me to ask you how this applies to the Royal Irish Academy of Music?

Mr. Rosen.—The Coulson bequest is what I am dealing with, and on the short grounds I have stated

I protest against any further scheme being entertained than that adopted by the Vice-Chancellor. I have nothing to do with the Royal Irish Academy of Music, or how far you may deal with that; but so far as you contemplate dealing with the Coulson bequest, I am instructed to respectfully protest.

1865. Lord Justice NASS.—I think you ought first to ascertain to what extent we purport dealing with it.

Mr. Rosen.—I am only instructed as to the Coulson bequest, and I protest against your dealing with that.

1866. Lord Justice FRYGROVE.—Allow me to ask you what you are protesting against—for you seem to be protesting against a thing we have not as yet touched on at all. The notice of this sitting, which you received from our secretary, was in these terms:—

"I am directed by the Commissioners to state that in consequence of a communication from the Town Clerk of Dublin requesting the Commissioners to state, for the information of the Committee of the Dublin Corporation, having charge of the matter of the above named endowment, at what time they would be prepared to take up the same, the Commissioners have appointed a sitting to be held here on Saturday, November 26th, at 11 o'clock, to consider the preparation of a draft scheme for the future government and management of this endowment." I cannot use stronger language than I did on former occasions to express my sense of the difficulty of asking us to interfere with the exercise by the Vice-Chancellor, or by any other judge, of a jurisdiction which the law has vested in him. But we also have a jurisdiction to exercise, and we must do it to the best of our judgment; and so I understand the proposal brought before us is one which the Vice-Chancellor had no power to entertain, namely, one for a joint administration of these two endowments. We have already expressed our unwillingness to meddle with the Coulson Charity alone, as it has been dealt with in Chancery by a tribunal qualified to deal with it. Accordingly, though pressed to deal with the whole scheme, we allowed the matter to stand over as long as the Vice-Chancellor thought it right to continue his proceedings, and I may say for myself that I have no intention of reopening what he has done, or of doing the same thing over again. Therefore, I have asked the parties to inform us to what extent the position of affairs has been changed by the Vice-Chancellor's scheme. At the same time, I think you must see that your objections do not apply to our settling a scheme now for the Royal Irish Academy of Music, and for its endowments, and for the discharge of its functions regarding the Coulson bequest. I have not read the Chancery scheme, nor do I know that the Royal Irish Academy of Music is mixed up in it at all; but we can't refuse to exercise our comprehensive powers for the benefit of the Academy, because a scheme has been settled in Chancery for the separate administration of the Coulson Fund.

Mr. Rosen.—When the matter was before the Vice-Chancellor the question was discussed before him.

1867. Lord Justice FRYGROVE.—What question was discussed?

Mr. Rosen.—The question I am dealing with; and, therefore, I respectfully submit you should stay your hand. I have no instructions to listen to any evidence for your proposed scheme. My sole instructions are on the part of the Commissioners of Charitable Donations and Bequests to protest against interference of any sort with the scheme of the Vice-Chancellor.

1868. Mr. Dillon.—As you are in the humour for protesting, I may mention that there is no foundation for the statement by Mr. Rosen, that the Corporation assented to the scheme before the Vice-Chancellor. On the contrary, they protested against the Vice-

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Chancellor proceeding with it. They appeared by counsel for that purpose, and asked for several adjournments, in order to settle a comprehensive scheme. They always considered that the scheme before the Vice-Chancellor would be only a partial settlement of the matter. I have the minutes of the meeting of the Corporation, at which instructions were given to protest against the Vice-Chancellor carrying out the scheme, and to ask him to leave it with this Commission. The Vice-Chancellor, for reasons that are best known to himself, thought fit to settle what the Corporation consider a very incomplete arrangement. Not only that, but the Commissioners of Charitable Donations and Bequests, on the 31st of May, 1886, informed the Corporation that they would not oppose an adjournment in view of a comprehensive scheme being submitted to this Commission, showing that they were in favour of that being done; and this protest comes now by surprise upon us. The Town Clerk asked the Commissioners of Bequests by letter, previous to the meeting last Monday, to inform him what course they would take; but they had not the courtesy to reply.

1879. Mr. ROSEN.—I think there was a misunderstanding. What I said was that the scheme was settled with their own consent, and Sir George Owens and others were appointed the Corporation trustees.

1879. Mr. DILLON.—When the Committee of the Corporation saw the Vice-Chancellor was determined to settle a scheme in spite of their repeated protest, they did what they were absolutely bound to do—but they did it perfectly unwillingly—they nominated three members of their body to represent them. But that can't be taken down as evidence of a consent. On the contrary, as I said before, they repeatedly protested before the Vice-Chancellor.

1871. Mr. ROSEN.—Mr. Walker, the solicitor for the trustees of the will is here—will you ask him to say, on behalf of the trustees of the will, if he endorses the views I have just stated?

1872. Mr. DILLON.—I am sorry to have to protest again. Mr. Walker appears for the trustees of the will, and he cannot possibly do so under present circumstances.

1873. Lord Justice NAUGHTON.—I have looked over the Vice-Chancellor's scheme, and the substance of it appears to be that trustees are appointed, and are given power to expend some portion of capital in providing premises in which to afford musical instruction to the sons and daughters of respectable Irish parents, and to provide furniture. They are at liberty to enter into arrangements with the Royal Irish Academy of Music for the purpose of affording this musical instruction. You cannot say that by the settlement of that scheme, dealing with the Coulson bequest, the hands of this Commission are tied up from dealing with the Royal Irish Academy of Music. It is not that we have not power to do it, but we are bound to deal with the Royal Irish Academy of Music; they have applied to us to do so, and, without saying that we would alter the scheme settled in Chancery, how are we prevented dealing with it?

Mr. ROSEN.—My instructions are to protest against you doing so. These are my only instructions.

1874. Lord Justice NAUGHTON.—Is your protest against our dealing with the Coulson bequest, or against our dealing with the Royal Irish Academy of Music, in which is involved the administration of the Coulson bequest?

Mr. ROSEN.—I have no instructions whatever beyond what I tell you.

1875. Lord Justice FRYGUSON.—The administration of the Coulson bequest is a thing in which the Academy of Music is interested. It is an institution which comes within our Act, and I wish you to tell me what is the application of your protest to the settlement of a scheme for the endowment and government of the Royal Irish Academy of Music. What

ever may be the connection of that Academy with the Coulson bequest, the position of the Academy towards that bequest will be necessarily involved in the settlement of our scheme.

1876. Mr. ROSEN.—It is perfectly plain in the face of the trust that the trustees of the Coulson bequest have certain powers of dealing with this provision, and no matter what modification this Commission may make it will not alter the constitution of the body that the Vice-Chancellor appointed to deal with Miss Coulson's money.

1877. Lord Justice FRYGUSON.—How is it you apply that observation, or how can we give effect to your objection unless we refuse to deal at all with the Royal Irish Academy of Music, and so refuse them the benefits of our Act, to which they are entitled, and for which they have applied.

Mr. ROSEN.—The question is that the Academy of Music is to appoint three trustees, and your modifying the constitution of the Academy will prevent them appointing these gentlemen. I fail to see the difference.

1878. Lord Justice FRYGUSON.—Surely that is a difficulty that will not arise until we discuss the provision in our scheme for appointing the trustees in question.

Mr. ROSEN.—Quite so.

1879. Lord Justice FRYGUSON.—But you want to stop us altogether by protesting at the beginning against our doing anything at all.

Mr. ROSEN.—I would stop you dealing with the Coulson bequest; and I would ask you now to take me as objecting to your settling a scheme for the Coulson bequest. My instructions are that a scheme has been settled by a competent authority, that it has not had a fair trial yet, and it should not be interfered with until it has had a fair trial.

Counsel then retired.

1880. Lord Justice FRYGUSON.—Though Mr. ROSEN has retired, it is only right for me to say that his objections apply only to a small part of our duty in this matter, and so far as they apply, will receive full consideration. We wish to hear the views of the parties interested in the settlement of a scheme for the joint management of the Academy of Music and the Coulson bequest, but so far as that scheme would affect the disposal of the Coulson bequest, we will consider ourselves bound, as a matter of due respect for the high authority of the Vice-Chancellor, not unreasonably to depart from any provision of the Chancery scheme. At the same time the existence of that scheme will not deter the instruction accorded from the benefits of a joint management which we alone have jurisdiction to provide.

Sir FRANCIS W. BRADY, Bart.—As representing the Royal Irish Academy of Music, perhaps you would allow me at this early stage to say that the Academy of Music and the Corporation are perfectly in accord on this question. We have had many discussions about it, and are agreed, except upon one or two minor points, which we will leave you to decide. Subject to that, the Academy of Music, the Corporation, and Colonel Ward's representatives have agreed. I may also say that substantially the scheme we agreed upon is the same as the Vice-Chancellor's scheme. It may vary in some little details, but in nothing more than trifling details. The Academy of Music being interested in having the fund properly applied, are quite prepared to accept either the Vice-Chancellor's scheme or the scheme to be settled by you.

1881. Lord Justice FRYGUSON.—It is not our fault, I assure you, that you have to deal with two schemes. We did our best to have one comprehensive scheme settled here, cheaply and expeditiously, and once for all, but we could not go on here when the parties having the control of the Chancery proceedings insisted on going on there with Coulson part of the matter alone.

Sir FRANCIS BRADY.—It may shorten the matter if I

mention that each party interested is agreed to accept a scheme prepared by the Corporation which differs very slightly from the Vice-Chancellor's scheme.

7592. Lord Justice FRANKLIN.—If so we may be relieved from much difficulty. Are there any points in the proposition now put forward differing from the scheme submitted by the Vice-Chancellor?

Mr. Dillon.—None, slightly differing.

7593. Lord Justice FRANKLIN.—We ought to know what they are.

Mr. Drury.—As representing Colonel Ward's interest I may mention that it has been agreed that the representatives of the Coulson charity *per se* are to be identified under this scheme. Formerly they were to be represented by the Academy of Music and the Corporation, but now we have agreed that there shall be a distinct representation of the Coulson charity.

7594. Lord Justice FRANKLIN.—Do you mean as the governing body of the Academy of Music?

Mr. Drury.—Yes. At present one of the Coulson trustees is appointed by the Corporation, one by the Academy of Music, and one by Colonel Ward. Under the new scheme the Coulson trustees will be represented on the governing body which is to take over the endowments of the academy and to amalgamate with it the Coulson bequest.

Mr. Dillon.—I need not go into details of the scheme; but some to the constitution of the governing body which is the only matter of importance in which this scheme differs from the Vice-Chancellor's. The governing body is constituted by sections 1 to 7, and by the schedule to the scheme.

7595. Rev. Dr. MOLLOY.—Do you speak of the governing body of the Academy of Music as such, or of the amalgamated body?

Mr. Dillon.—I speak of the governing body of the academy that is to have amalgamated with it the Coulson trust fund. It is explained at the heading, that it is to consist of the president, vice-president, and twenty-four members of the council. I do not find in the scheme any material difference between the proposed scheme and the scheme prepared by the Vice-Chancellor, except the constitution of the governing body. The Vice-Chancellor's scheme provides that the governing body of the charity itself shall be nominated, as has been mentioned to you, and shall consist of nine members. Now, unless some means can be devised for constituting the governing body of the Coulson bequest distinct from the governing body of the Academy, I think we must to that extent make some alteration in the scheme.

7596. Lord Justice NASH.—Would it not be possible to continue that body?

Mr. Dillon.—I think it would be rather difficult.

7597. Lord Justice FRANKLIN.—This difficulty has arisen because the Vice-Chancellor had no jurisdiction over the Academy of Music, and therefore could not create a governing body for it. He did not make the governing body of the Academy the governing body of the Coulson charity, and I presume what you want now is that the same body which governs the Academy shall govern the Coulson charity also?

Mr. Dillon.—Certainly.

7598. Lord Justice FRANKLIN.—But you don't propose any alteration in the trusts of the fund?

Mr. Dillon.—No, I think they should be administered in the same way as by the Vice-Chancellor's scheme.

7599. Lord Justice FRANKLIN.—Then we may have to consider whether the alteration you seek is not merely consequential on the inability of the Vice-Chancellor to exercise jurisdiction over the two bodies.

Mr. Dillon.—That was one of the causes which led us to protest, that he had not the power to settle a comprehensive scheme.

7600. Dr. TRAILL.—Did Miss Coulson's trustees oppose the scheme in Chancery?

Mr. Dillon.—The representatives of Colonel Ward's will did, but not the trustees of the Coulson bequest.

7601. Dr. TRAILL.—Who prepared the scheme?

Mr. Dillon.—The Commissioners of Charitable Bequests and the Vice-Chancellor himself.

7602. Dr. TRAILL.—Who is opposing your present scheme?

Mr. Dillon.—Mr. Russell, for the Commissioners of Charitable Donations and Bequests. They have no interest in music at all. They have the same interest as we have—an official interest.

Mr. Walker.—Mr. Drury says he has Colonel Ward's sanction not to object any further.

Mr. Drury.—We were represented before the Vice-Chancellor, and being interested with the Corporation and the Academy of Music in administering this charity we had several consultations with the Corporation, the Academy of Music, and the Coulson trustees, and we agreed that this was the best way to administer the charity.

7603. Lord Justice FRANKLIN.—Am I to understand that all the three constituent bodies, who have at present anything to do with the Coulson Fund—the Corporation, the Academy of Music, and the Coulson trustees—are unanimous in wishing us to proceed with the settlement of a joint scheme for its management in connection with the Academy.

Mr. Drury.—Yes. The Coulson trustees are nine in number, composed of representatives of three bodies—the Corporation, the Academy, and Miss Coulson's representatives. The first time we met, my co-trustees, representing the Corporation and the Academy of Music were averse to the representatives of the Coulson bequest having any representation at all on the new governing body. I insisted they should, and pressed it, and I am glad to say now that both the Corporation and the Academy of Music agree to have the Coulson bequest represented.

7604. Rev. Dr. MOLLOY.—Then is this your position, that there are three existing bodies concerned in the endowments before us, namely, the Corporation of Dublin, the Academy of Music, and the trustees of the Coulson Bequest, appointed by the Vice-Chancellor and that these bodies come before us and ask us to co-ordinate our powers and to extend the usefulness of the endowments which they administer, by amalgamating them under certain conditions consistent with the objects for which they were constituted.

Mr. Dillon.—Yes, and to give them a constitution that they never had before.

7605. The Lord Mayor.—I think Dr. Molloy has exactly stated the case. All parties are now agreed save one or minor point, and that is as to the Coulson trustees—whether they should get three representatives or four. We all agree to leave that to you to decide; and upon every other point we consider the amalgamated scheme for the working of these two trusts the best and we all agree upon it.

7606. Mr. CREW.—As Honorary Secretary of the Royal Academy of Music I quite concur with the Lord Mayor in saying that the three constitutions are substantially agreed as to what the scheme should be. The question mentioned by Mr. Drury is unsettled and will be left to your determination—that is the representation of the Coulson trustees appointed by the Vice-Chancellor. The majority of us would be in favour of having a representation of four on the new board to represent Miss Coulson's interest in particular, the Corporation taking eight. Of the new body of twenty-four, the Corporation gets a representation of eight; those who represent Miss Coulson's personal interest, four; and the Academy of Music twelve. In addition to that there would be Vice-Presidents who would be chosen to represent the different interests. With regard to the trust in the Coulson will—it is a trust to found an Academy of Music in Dublin, where the sons and daughters of respectable Irish parents possessing natural musical talent may be instructed in instrumental music. There would be no interference with that at all for it would be still for the education

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of the same children, and the same trusts would be continued, as before.

7597. Lord Justice NAUGHTON.—You keep up the special nature of the trust?

Mr. CRENSHAW.—Yes.

7598. Lord Justice FRYGIE.—You don't propose to amalgamate the Coulson trust with the general fund of the Academy?

Sir FRANCIS BRADY.—It will be kept distinct.

Mr. CRENSHAW.—The new corporate body will be the trustees.

7599. Lord Justice FRYGIE.—Yes, but one corporate body may have several special trusts, and I think you must keep up the special trust of Miss Coulson's fund, and you ought to perpetuate her memory thereby. How does the matter stand with regard to the amount of property brought in by each party?

Mr. DILLON.—The Corporation have power to raise £2,400 a year for purposes under the Library Act. We have already applied about £1,800 of that, and still have £600 to expend. The Corporation could not bind themselves to do anything until a scheme is properly settled; but the committee have stated that so soon as you have settled a scheme we will bring it before the Council with a view of getting a grant of say £300 a year for the Academy.

7600. Lord Justice FRYGIE.—There is a Government grant also?

Mr. DILLON.—There is. The reason we would press for a large representation on the governing body would be that we could say to the Municipal Council that we had such a representation as would ensure the interests of the Council being properly looked after.

7601. Lord Justice NAUGHTON.—What is the value of the Coulson bequest?

Mr. CRENSHAW.—£30,000.

7602. Mr. DILLON.—It must not be forgotten that the Corporation are really the owners of one half of the Coulson bequest. The Lord Lieutenant resigned, and the Corporation, as trustees, are really owners of half.

7603. Mr. BRADY.—I would suggest that the representation should be eight and four. I think the Corporation, getting eight, will be properly represented. They have not given us anything yet, however much we may expect.

7604. Dr. TRAILL.—Why do the Corporation ask for more than that?

Mr. DILLON.—For this reason—we don't consider the Coulson personal interest to be of that controlling character that would entitle the executors to larger representation. The executors cease to have any interest when the fund is handed over.

Mr. WALKER.—And we protested against that, for Colonel Ward has the appointment of new trustees under the will.

7605. Lord Justice FRYGIE.—Originally, I suppose, Colonel Ward appointed himself, his son, and Mr. Drury, but has by his further power now?

Mr. WALKER.—Under the Vice-Chancellor's scheme he has exercised his power by appointing himself, his son, and Mr. Drury.

7606. Lord Justice FRYGIE.—Yes; but he seems to have no further power now.

Sir FRANCIS BRADY.—The will contains the usual powers of appointing trustees.

Mr. DILLON.—I say their power ceased when they handed over the property to the Academy.

7607. Rev. Dr. McALPIN.—You propose that vacancies on the Council shall be filled by subscribing members of the Academy?

Mr. DILLON.—Yes.

7608. Rev. Dr. McALPIN.—Do you make any provision in case there should be no subscribers?

Mr. DILLON.—Except in this way—that in some years the body must include a number of dilettantes, and they, on payment of 10s. a year, or upwards, are constituted subscribing members. We think they may constitute a permanent body.

7609. Rev. Dr. McALPIN.—It is extremely likely that one or both of these bodies will continue permanently to exist; but they may both possibly cease to exist, and you should make some provision for that contingency.

Mr. DILLON.—We can meet that in some way.

Sir THOMAS JONES.—Of course I need not say we will continue the body of subscribers, for if we don't we lose the grant of £300 a year.

7610. Lord Justice FRYGIE.—The only question, so far as I see, in dispute is whether the Corporation is to have a representation of nine or eight, and the Coulson interest of three or four.

Mr. DILLON.—Exactly. That matter we are not agreed upon, but we will leave it to you. I don't know whether Mr. CRENSHAW is prepared, on behalf of the Academy of Music, to say that the Corporation representation should be reduced to eight.

Mr. CRENSHAW.—I can only speak as Hon. Secretary, and we have not had a meeting of the Academy on this particular question. We had a meeting of the general body of subscribers, but not since this question arose.

7611. Lord Justice FRYGIE.—There is one point you should remember. As far as we are concerned, we have not yet determined upon any scheme, and the first thing to be done is to prepare a draft. Whatever proposal is brought out in print each of you will have full opportunity of discussing. So don't suppose that if we draft a scheme it will be final. Whatever we do may not satisfy all parties, but we are not bound by any of your proposals. Twenty-four is a large governing body, but if you are all agreed upon that number I will not object. What is the next objection?

Mr. DILLON.—Classes 7 and 8 might be modified, so as to introduce the new governing body. In clause 11—"any member of the Council who shall not have attended at least one of the meetings of the Council during a period of twelve months, shall cease to be a member"—we think that should be far more.

7612. Lord Justice FRYGIE.—Would you take him out if he was away for a third of the year?

Mr. DILLON.—They are annually elected. In class 10 we think fourteen days notice for a general meeting of the Academy too long. It ought to be seven days, and notice by post should be given as well as by advertisement. But these are all merely formal matters.

7613. Lord Justice NAUGHTON.—Are you all agreed on these alterations?

Mr. DILLON.—Yes.

7614. Lord Justice NAUGHTON.—Including the Academy of Music?

Mr. CRENSHAW.—Yes.

7615. Mr. DILLON.—There is another matter—the constitution of the Board of Studies—that we had a good deal of discussion about. You will find it in clause 29. Some of us, myself in particular, think that a very large responsibility should be given to this Board of Studies—that the Council of the Academy should be a Council more for the financial management of the property of the Academy, and the Board of Studies should consist of persons who would have control over the musical education. I speak so for this reason. Suppose I was elected myself on the Board of the Academy, I might have some knowledge in dealing with financial matters, but I have no musical knowledge and would not like to be appointed on a body that would have control over the teaching of the Academy. Therefore, I press it on the present members of the Academy to give most extensive powers to this body or Board of Studies.

7616. Dr. TRAILL.—Don't you give the Council full power to select the members of this Board of Studies?

Mr. DILLON.—Certainly.

7617. Dr. TRAILL.—Then suppose they elected all the members of their own body?

Mr. Dillon.—That of course would be objected to. I would limit the appointments on the Board of Studies to professionals.

7618. Dr. TRAILL.—Here it says that such members of the Academy as the Council may appoint. Do you want that changed?

Mr. Dillon.—I suggest that the words "members of the Academy" should be left out, and that instead it should be that "the Board of Studies do consist exclusively of the professors of the Academy." That did not meet the views of the Council, and I did not feel justified in pressing it. Under that the Board of Studies would consist altogether of the members of the Council and professionals would be excluded.

7619. Lord Justice FRANKLIN.—We had this very question before us in the case of the Alexandra College, and it was fairly settled by our scheme which has been approved by the Lord Lieutenant and is now law. There would be great difficulty in saying that all members of the Council or that all professors should be on this board. There must be a representation of the members of the Council on it.

7620. Dr. TRAILL.—Can any one tell how the governing body of the Academy was originally founded—whether it consisted of professors alone or was an elected body?

Mr. Cross.—I think it was an elected one. Our object is to have the best Council we can.

7621. Lord Justice FRANKLIN.—Would it be possible to have a professional representation on the Board of Studies?

Mr. Cross.—As framed at present, the Council has the power to appoint that body, and would it not be best to leave it in their hands?

7622. Rev. Dr. MOLLOY.—What would you say to this: that the Council should have the power of appointing a Board of Studies, and that two-thirds of that Board should consist of professors; that the Council should have complete control over the financial affairs of the institution, but that the educational details should be carried out by the Board of Studies. In other words that, while the Board of Studies would have the practical management of the instruction given, the management of the finance and the supreme control of the institution should be reserved to the Council.

Mr. Dillon.—Dr. Smith, who is here, would like to give his views on this question; that there should be a musical director or director upon it; and as bearing on that point I have been furnished with the report of the Commission which sat in London in 1886, under the Presidency of the Prince of Wales, and which deals with this very question.

7623. Rev. Dr. MOLLOY.—We have Dr. Smith's evidence on record. I think the director of the College of Music is Sir George Grove.

Mr. Dillon.—Yes.

7624. Rev. Dr. MOLLOY.—If you get a practical professional man of good common sense, all will go well, and if you get a crookety man all will go badly. Every thing, therefore, would depend on the skill and tact of a single individual?

Mr. Dillon.—That was the view taken by the Commission, and then they suggested that a power should be taken at some future time to appoint a musical director if they thought fit.

7625. Dr. Smith.—As I was before the Commission it is only fair that I should give my evidence in support of the suggestion. I wish to allude to that report which the Rev. Dr. Molloy has in his hand now—the report of the Commission established by the Society of Arts in 1885, for the purpose of ascertaining what steps should be taken towards founding an Educational College of Music in England—and as there was an Academy of Music in London it was thought desirable to take that as a basis for their inquiry. There was a great deal of evidence taken. All the best known musicians were invited to give evidence. I have gone carefully through

that evidence, given as to the nature of a responsible management. The question was asked as to what the general notion of a governing body should be. The evidence was almost unanimous in having a professional or some professional directors responsible—in fact one of the resolutions was to that effect. There was a difference of opinion on one point, and it was this—whether there should be one director solely responsible, or have the direction divided amongst more—say three or four. After the question had been fully discussed, it seemed to be the opinion that the idea of carrying on an institution of the kind without a strong professional representation at the head of it was too absurd for consideration. I think that the question should be met here by having a board of directors; and I should therefore like to suggest a board of three directors instead of one. I believe there are strong local reasons that operate against the appointment of one head director, at all events at present. As long as a local musical director should be responsible, all interests would be secured. I am of the idea that professionalists should not form part of the Council, or have anything to do with money affairs. I believe they should be responsible for the musical educational alone, and therefore I think that to constitute a Board of Studies composed by professionalists and amateurs would be absurd. Amateurs, as far as I know—I would not wish to disparage them—might be very useful in relation to the business management, but amateurs on the Educational Board, particularly on a subject like music, would be simply—to say the least of it—no acquisition; and I believe the presence of amateurs would take away responsibility from the professors. The evidence given before the Commission I would not like to burden you with, but I will simply say that the report on the table contains the most overwhelming testimony on that point. It comes from the most celebrated musicians we have—and the evidence is given in the most generous possible way—that recognising the fact that while amateurs in the capacity of business managers would be most essential, the evidence is unanimous against their being called on to exercise any influence in the practical work of musical education.

7626. Lord Justice FRANKLIN.—Then you would be in favour of eliminating the Board of Studies altogether, and appointing one or more directors who would have the management of the entire educational work.

Dr. Smith.—I would have either one body or the other. To have one director you should have a board of professors, but if you have three the Board would be superfluous. I would, of course, give the council the appointment of the Board of Studies, or director, as the case may be. They would have the appointment of professors, and the power of dismissal. You should have the Board of Studies, I think, to report periodically to the directors; but of course if you have a board of directors of three the governing functions of the Board of Studies would be much reduced.

7627. Rev. Dr. MOLLOY.—Is it the case that the representatives of the Academy of Music would object to have the Board of Studies composed exclusively of professors?

Sir Francis Brady.—This question has been under the consideration of the Academy for many years, and no question ever arose as to the interference of a non-professional. The council have the management of the details of teaching, but not professionally, and the professional teaching has never been interfered with. We make it our object to secure the services of the best professors we can, and each has the management of his class, and no one ever interfered with him to my knowledge, now extending over thirty years. The proposal of having professors solely responsible for the musical education might work well enough elsewhere, but in Dublin I fear it would not. However we may differ on minor points, there is one thing I must say—we will never sanction an outsider coming in and

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interfering with the business of the Academy of Music, with which he has no connection, good, bad, or indifferent. Any advice given by our own professors we always accept in the most friendly manner, and we generally act upon it. No difficulty has ever arisen on that point, and therefore I would suggest to Mr. Dillon not to press his view about directors. The great difficulty is to pay them. The Academy has not money to pay them well, but if they are to be paid, they should be paid well. If they are not paid well, they will not work, and are of no use.

7638. Lord Justice Fitzgerald.—What I understood Mr. Dillon to propose was that there should be a larger teaching representation and responsibility; he did not go so far as to say that the Board of Studies should consist exclusively of professors, but that they should have full representation and larger responsibility.

Mr. Dillon.—Yes, for I do feel there are great difficulties in Dublin in paying a musical director, or two musical directors. There would be great difficulty in doing it. I think the council should be very glad to get the views of those outside the Academy.

7639. Rev. Dr. Molloy.—Do you think the Academy would object to having a preponderance of professors on the Board of Studies?

Sir Francis Brady.—No, we would practically put them all on.

7640. Rev. Dr. Molloy.—Have you considered what number would be sufficient for such a board?

Mr. Dillon.—I think it was agreed that the Academy would be satisfied if the chairman of the Board of Studies was a layman.

Sir Francis Brady.—Yes.

7641. Rev. Dr. Molloy.—Then, if we provide that not less than two-thirds shall be professors, it would settle it.

Sir Francis Brady.—As to the composition of the Board of Studies, we were satisfied if the chairman or presiding member of the board should be a layman—one of the council of the Academy—and let the professors make the rest of the board.

7642. Rev. Dr. Molloy.—Would you exclude a professor from being chairman of the board?

Sir Francis Brady.—We have had a Board of Studies for some time in operation, consisting altogether of professional men, but they can't do everything.

7643. Dr. Smith.—I would like to say a word in reply to Sir Francis Brady's remarks. I fear he has interpreted my remarks in an unfriendly way. My desire is not to do harm. I want to improve the academy. I resent his assertion that the academy will not tolerate any interference or dictation from any one outside the council. It is a public institution, and is therefore as much open to criticism as any other public institution. The Academy is in receipt of public endowments, and as we contribute an infinitesimal proportion as tax payers we have an inherent right to speak—aye and more than a right to speak. I believe we have a right to be heard. I must assure Sir Francis Brady that my attitude towards the Academy, and towards him, is of the most friendly nature. I do not want to propose anything that would have the elements of discord or division in it. There has been a board in existence in the academy for the last year, and it has not been a success. The reason of that is that the members thereof had no responsibility thrown upon them. Throw the responsibility on one man and he will prove himself equal to it sooner or later. I don't understand why it should be insisted on that the chairman of the board should be a layman.

7644. Rev. Dr. Molloy.—Would you be satisfied if this council were composed of professors of the Academy?

Dr. Smith.—Entirely.

7645. Rev. Dr. Molloy.—You don't wish for the introduction of outsiders?

Dr. Smith.—Certainly not.

7646. Rev. Dr. Molloy.—I thought that was Sir Francis Brady's objection.

7647. Lord Justice Fitzgerald.—I think he was only guarding himself against having outsiders forced on them.

7648. Rev. Dr. Molloy.—What idea would the Academy have as to the number of members to be appointed on the Board of Studies?

Sir Francis Brady.—I think I may say we have no idea about it at all. We would probably place all the first class professors on it. We have several teachers besides.

7649. Lord Justice Fitzgerald.—How many professors have you now?

Sir Francis Brady.—Nine, but they are not all at present on the council.

7650. Lord Justice Fitzgerald.—But for efficient working it ought not to be too large; it would only be the working committee of the place.

Sir Francis Brady.—It would not. They would not have any existence as a Board of Studies unless an examination was coming on.

7651. Lord Justice Fitzgerald.—Have you not examinations often?

Sir Francis Brady.—An annual examination. The Board of Studies would really have nothing to do.

7652. Professor Davern.—Would they not have the preparation of the programme for each year?

Sir Francis Brady.—Oh, yes.

Mr. Dillon.—I fear sufficient responsibility is not thrown on the professional men, and I think if sufficient responsibility was thrown on such men as Sir Robert Stewart and Dr. Robinson better work would be done.

7653. Rev. Dr. Molloy.—I think it would look like matters if I read the clauses we prepared in a similar case—the case of the Alexandra College—in which we established a Supreme Council to govern the institution, and a Board of Studies, or what we called a Committee of Education, to have charge of the instruction. The powers given to the Council are these:—

"The Council shall have and exercise general supervision and control over the college and the school; they shall determine the various subjects of education to be taught in each institution; they shall fix the terms and vacations, and shall make such rules and regulations as they shall think fit for the maintenance of order and discipline. They shall fix, from time to time, the number and names of the professors, lecturers, examiners, and other officers of the educational staff."

The powers given to the Committee of Education are as follows:—

"Subject to the supreme control of the Council, the Committee of Education shall have power to deal with all matters appertaining to education in the college. They shall fix the course of education, prepare the time table for the lectures and studies, provide temporary professors, lecturers, or other teachers during casual vacancies, and pending the making of permanent appointments by the Council. They shall make a report each year to the Council on the condition of the college, and the progress of the students, and they shall from time to time offer such recommendations with respect to the college, as their experience may suggest."

Now does it occur to you that something of that kind might be done here?

Mr. Dillon.—I see the Committee is elected by the professors in the College!

7654. Rev. Dr. Molloy.—It is.

Mr. Dillon.—That makes the difference.

7655. Rev. Dr. Molloy.—That is not in this way—in the Academy of Music nearly all the professors are on the Council.

Sir Francis Brady.—From what I know of the Academy, I think the correct plan would be to have some of the higher professors on the Council. That

would be extremely desirable, but certainly not the introduction of strangers.

1845. Dr. TRAILL.—No one suggested that.  
Mr. CREW.—On the part of the Academy, I desire it to be understood that we wish not to limit the responsibility of professors, but rather to throw additional responsibility on them.

1847. Lord Justice FITZGERSON.—Is there any definite objection on the part of any person to some professional representation on the Council?

Sir Francis BRADY.—On the contrary, it would be very desirable.

1848. Dr. TRAILL.—Would you allow the professors to elect themselves, or would you leave it to a vote of the Academy?

Sir Francis BRADY.—There would be no objection to an election by the Academy.

Mr. CREW.—At present the subscribers do that at the annual meeting.

Sir Thomas JONES.—Clause 11 says that no professor or teacher of music shall be eligible for election on the Council.

1849. Lord Justice FITZGERSON.—In every other case before us there was some representation of the teaching body on the governing body.

Mr. CREW.—We have no objection to that at all.

Sir Francis BRADY.—At present we have nearly all the professors on the Council.

1850. Lord Justice FITZGERSON.—Yes, but it is quite different to be on the representative of your own body.

Sir Francis BRADY.—We have no objection.

Mr. BRADY.—The Council have always worked with harmony with the professors on the Council.

Sir Francis BRADY.—And our efforts have always been to induce the professors to take responsibility upon themselves and assist us.

1851. Lord Justice FITZGERSON.—The next point is, as you go to exclude non-professional men from the Council of Studies? Dr. SMITH wants it to be exclusively professional, and I understand Mr. DILLON to ask for a larger professional representation, but not the whole.

Mr. BRADY.—The lay element would be very glad to be cut of it.

1852. Rev. Dr. MOLLAY.—I think we have it that the Academy would be content that two-thirds of the Council of Studies should be professors of the Academy.

Mr. DILLON.—There is no point in having a lay chairman of the Council; you would probably ruin the Academy by it.

1853. Lord Justice FITZGERSON.—If you agree on the composition of the Council, should you not leave it to themselves to select their own chairman?

Mr. DILLON.—Having given my own opinion upon it, I feel it is perfectly safe in your lordship's hands.

1854. Rev. Dr. MOLLAY.—I think we ought to fix the number of the board—say that it should not be less than eleven or more than fifteen.

Mr. CREW.—If you appoint so large a body you will have to appoint a committee.

1855. Rev. Dr. MOLLAY.—At present your actual board is nine—would nine be a sufficient number?

Sir Thomas JONES.—That is our idea.

1856. Rev. Dr. MOLLAY.—Then that would make the number of professors six.

Mr. MOLLAY.—There are nine professors in the Academy. My opinion is that it would create great jealousy to exclude any of these gentlemen from the Board of Studies. I propose the number should be twelve—nine professors and three amateurs.

1857. Rev. Dr. MOLLAY.—Then if you should get a tenth principal professor at any time you would be in an awkward position.

Dr. SMITH.—I may say on this point that in the Royal College of Music in London there is no fixed number. The Directors appoint the men on the Board whom they consider most suitable, and exclude others.

1858. Lord Justice FITZGERSON.—I am afraid that would not do here.

Dr. SMITH.—As bearing on this point, I would like to furnish you with a digest of the evidence taken before the Royal Commission.

1859. Lord Justice FITZGERSON.—We would be very glad to have it.

Dr. SMITH.—There is this I would like to say—and I say it sincerely—that during the whole career of the Academy it has been wonderfully well worked by two or three men, who were so fortunately situated that they could give both their time and ability to it. They were amateurs, and unless you can provide some such I think it is useless to saddle the Board of Studies with three men who under the new scheme will not do any good, and will be a dead weight on the Board, and will take away from the responsibility of the professors.

1860. Dr. TRAILL.—But if they be only three out of ten how can they be a dead weight?—They will be in the minority.

Lord Justice RAMEL.—And they may not attend.

Dr. SMITH.—It would be a composite board, and the professors have an objection to discuss points of a professional character with non-professionals.

1861. Lord Justice FITZGERSON.—There is great difference of opinion about this. Some say that, in Dublin, it would be impossible to maintain an exclusively professional board, while on the other hand it is said that the non-professional element, though working well hitherto, is mischievous, or at least would do no good. But at all events the non-professionals would be in a minority, and why should we throw away the advantages of a system that has worked well in the past merely because of fears for the future. Dr. SMITH's opinions are deserving of weight, and he seems to entertain them very strongly, but these are opinions on the other side also which deserve consideration.

Dr. SMITH.—The power of the directors should be clearly defined.

1862. Dr. TRAILL.—To whom would you give the appointment of new professors—to the Board of Studies or to the Council?

Dr. SMITH.—Assuming that we have a Board of professors, I would require them to report to the Council on the election of each applicant.

1863. Dr. TRAILL.—But to whom would you give the appointment?

Dr. SMITH.—I would give the final appointment to the Council, on the recommendation of the Board.

1864. Dr. TRAILL.—Does that mean that the Council must accept the names sent forward, or would you give them a veto?

Dr. SMITH.—I would give them a veto.

1865. Professor DOUGHERTY.—If you had a professional board would you give the right of veto to the Council?

Dr. SMITH.—Certainly.

Mr. DILLON.—I must say for myself that I would be very sorry to do anything that would cause the present members of the Academy to cease to take an interest in it.

1866. Lord Justice FITZGERSON.—Is there anything else to be suggested now?

Mr. DILLON.—In clause 30 I would make it "that on the recommendation of the Board of Studies the Council of the Academy may grant diplomas and certificates to candidates," &c. Some one suggested that there should be nothing but diplomas, and that certificated members be omitted; but that is a matter the Commissioners will deal with.

1867. Lord Justice FITZGERSON.—In my opinion the wisest thing would be to constitute a good governing body and leave them full power of regulating the giving of degrees and all such matters from time to time.

Mr. DILLON.—At present the £20,000—the Condon

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bequest—is invested in the three per cents. We thought that power should be taken in the scheme, if possible, to enable it to be invested into securities that would produce more interest.

7668. *Rev. Dr. MOLLON.*—The power of investment must be given to the trustees.

*Sir Francis Brady.*—The Commissioners of Donations and Bequests have the money.

7669. *Lord Justice FRANKLIN.*—They have certain defined powers of investment. I don't know that they would consent to accept any other securities.

*Mr. COLE.*—There is just one other point. The 28th clause does not seem to say anything express with regard to the trusts of Miss Coulson's will. I think we may agree that the trusts of her will should be preserved intact.

7670. *Lord Justice FRANKLIN.*—I should like to express, before you leave, our view of our own position with regard to this matter, and to tell you what we propose to do. We are very clearly that the creation of a governing body for the Royal Irish Academy of Music is within the powers of our Act. It is a practical thing, and accordingly we will undertake it. There is no conflict of interests involved, and it is gratifying to find such a large consensus of opinion amongst all concerned both as to the expediency of our undertaking it and as to the mode in which the work of the Academy should be carried out. Accordingly we will prepare a draft scheme which will be provisionally published in the first instance, and then all matters of detail can be carefully discussed. The matter is to some extent complicated by the undoubted fact that the large endowment derived under Miss Coulson's will has been so recently made the subject of Chancery proceedings, and is now regulated by a Chancery scheme. We must assume that in all matters regulating the disposal of that fund the Vice-Chancellor, with his usual power and excellence of administration, has provided for the application of Miss Coulson's money beneficially and in accordance with her will; and we should be very slow, even apart from the question of jurisdiction, to alter the provisions which he has made. But it is perfectly plain that the creation of the new Royal Academy of Music will bring into existence a body directly interested in the management of Miss Coulson's money, and which was not available when the Vice-Chancellor

settled his scheme. I infer that some changes will necessarily be made in consequence of the creation of that body which the Court of Chancery had not power to create, and some other changes will be necessitated in dovetailing the Coulson scheme into that which we are now about to frame. We think it our duty to do what you have all asked us to do, but to alter as little as possible the scheme that is to be dovetailed into ours. We will preserve it as far as we can, preserving Miss Coulson's trusts, and making only such alterations as are necessarily consequent on the creation of the new Academy.

7671. *Dr. TRAILL.*—Would there be any objection to put ladies on the governing body?

7672. *Lord Justice NASSER.*—Having regard to the protest by Mr. Roan, I wish to state my view of our position here. If this was an application to settle a scheme for the administration of the Coulson Charity, speaking for myself, I do not think I would interfere with it, considering it settled by the Vice-Chancellor, who has concurrent jurisdiction; but I consider it open to us to draw up a scheme for the Academy with the Vice-Chancellor's Scheme for the Coulson bequest can be amalgamated. I may say that, as regards schemes framed by ourselves, we can make provision for the amalgamation of endowments for which schemes have already been settled. In point of fact we are doing that now, and I think it would be an improper construction of the Act if, for a charity like this, with a scheme settled in Chancery, we were to say we could not touch either it or any institution connected with it, for the purpose of preparing an amalgamated scheme, though minded that it would be more beneficial to both institutions that we should do so. We entertain the highest respect for the Vice-Chancellor, and for the scheme which he has settled, and if that were the only matter before us we would not touch it except under peculiar circumstances. But what we have to deal with is the Royal Irish Academy of Music, for which we are prepared to draft a scheme, and in that scheme to make provision for the Coulson bequest and the other endowments belonging to it.

*Mr. DILLON.*—I beg to thank the Commissioners on behalf of the Corporation for the kind and considerate manner in which they have heard us.

The proceedings terminated.

## PUBLIC SITTING—MONDAY, JANUARY 9, 1888.

Jan. 9, 1888.

Present:—The Right Hon. Lord Justice FITZGERSON and the Right Hon. Lord Justice NAIRN, Judicial Commissioners; and ANTHONY TRAILL, Esq., LL.D., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Secretary, WM. EDWARD ELLIS, Esq., LL.B., and the Assistant Secretary, N. D. MURPHY, Junr., were in attendance.

ULSTER SOCIETY FOR PROMOTING THE EDUCATION OF THE DEAF AND DUMB, AND THE BLIND; ROYAL BELFAST ACADEMICAL INSTITUTION; MAGES COLLEGE, LONDON-DERRY; BELFAST ACADEMY; NICHOLSON SCHOOL, LISSURN; LADIES' INDUSTRIAL SCHOOL, BELFAST; MOATE SCHOOL, LISNAKEA; LAUREL HILL SCHOOL, COLERAINE; TULLYVIN AND BENBAWN SCHOOLS; MERCHANT TAILORS' SCHOOL, DUBLIN; DUBLIN WORKING BOYS' HOME AND HARDING ENDOWMENT; ST. PETER'S PAROCHIAL SCHOOLS AND MRS. WRAY'S SCHOOL, DUBLIN; BERTRAND FEMALE ORPHAN SCHOOL, DUBLIN; PHIBSBOROUGH SUNDAY AND DAILY SCHOOLS, DUBLIN; MORGAN'S AND MORGAN'S SCHOOLS, DUBLIN (REMITTED SCHEME).

## OBJECTIONS.

Mr. JELF, Q.C. (instructed by Sir Patrick Macneil, solicitor), appeared for the Commissioners of Charitable Donations and Bequests for Ireland; Mr. Shaw (instructed by Mr. James Henry), appeared on behalf of the General Assembly of the Presbyterian Church.

1878. Lord Justice FITZGERSON.—The present sitting has been appointed for the final consideration by the Judicial Commissioners of fifteen draft schemes, including one remitted by the Privy Council. We have received an objection from the Commissioners of Charitable Donations and Bequests which applies not only to all these schemes, but to every scheme as yet published under our Act, and we have therefore thought it convenient to discuss that matter in the first instance, after which we can relieve those interested in the schemes involving no further contentious matter from further attendance. The objection has arisen in the following way:—In 1886 we had a correspondence, to be found at page 294 of our First Report, with the Commissioners of Charitable Donations and Bequests, when their special attention was directed to the portions of our first draft schemes, in which their co-operation was required. Some objections were then made by the Commissioners, to which we yielded; but with regard to the clause for future alteration of the schemes, the Commissioners stated that they would, as a matter of course, be prepared to accept the responsibility thrown upon them by the Act of Parliament. The two schemes then referred to were—first, the scheme for the 8-wards Borough Schools, providing that no alteration should be made except on the application of the Governors of either or both schools; and secondly, the Church of Ireland Training College Scheme, which provided for alteration upon the application of the Governors or of the General Synod. After that correspondence the schemes were signed by the Judicial Commissioners and submitted to the Privy Council and law officers, and these and other schemes have since been finally approved, and are now in force, containing provisions limiting applications for alteration to some defined authority, generally speaking, the Governing Body and some independent or superior body having an external control over the Governing Body. We continued to act on these precedents until July 15, 1887, when a communication was received from the Commissioners of Charitable Donations and Bequests in reference to "Lifford Endowed Schools" and "Currie School," which, it will be observed, was not a formal objection, but a request to us to consider whether we were justified in making provision limiting the right of application. We replied on July 16, 1887:—

"That, in our opinion, the power of making provision under section 25 of our Act for the alteration of schemes is discretionary, and that we, therefore, considered ourselves justified in deciding those by whom applications for alteration may be made."

The Lifford and Currie schemes had then been published, but had not been signed by the Judicial Commissioners. No further communication having been received from the Commissioners, these schemes, with others, were signed on October 28, 1887, and are now before the Lord Lieutenant. The next communication we received was dated November 18, 1887, and requested us to place on record the objection of the Commissioners to the retention of the building clause in the draft schemes for the Dublin Working Boys' Home, Anna Middleton Harding's Endowment, The Belfast Academy, Fethard School, Benbawn and Tullyvin Schools, Moat School, St. Peter's Parochial Schools, Mrs. Wray's School, and Laurel Hill School, all of which had been published on August 2, 1887. On the same date we also received some specific objections to the Bertrand School scheme. We then wrote to the Commissioners to say that we were anxious to have this matter, which had not yet been discussed before us, formally considered, with every desire on our part to give the fullest possible weight to the views of the Commissioners of Charitable Donations and Bequests, and suggesting this day, January 2, 1888, as a convenient time to hear the objections, to which the Commissioners assented by letter of December 17, 1887.

We sent the notice required by our Act to all parties concerned. Some of them are represented here, I believe, and some are not; but I will now read the substance of the written communications we have received on the subject, which, in pursuance of the Act, have been sent to us. January 7, 1888, the Solicitors for the Ulster Society, Belfast, write:—

"The Committee of this institution will be represented by counsel on Monday, who will ask that the alteration clause in this scheme shall remain as originally drawn."

By letter dated January 6, 1888, the Joint Board of Managers and Visitors of the Royal Belfast Academical Institution state that they:—

"Are quite satisfied with the provisions made for alterations in the institution scheme by clause 44, and should object most strongly to any change being made in the constitution provided by the scheme."

The Trustees of the Mages Presbyterian College, Londonderry, under date January 7, 1888, write, stating:—

"1. That our letter and the accompanying documents were carefully considered at a meeting of the Faculty and Executive Committee of the Trustees of the College on the 5th instant.

"2. That they cannot but regard the decision to which the Commissioners may come on the objection of the Com-

July 4, 1888.

Commissioners of Charitable Donations and Bequests for Ireland (see their letter dated 18th November, 1887) on a precedent which will rule all cases of a similar kind, and particularly the case of the Magee College.

"3. That they object with the utmost determination to any modification (in the direction that the Commissioners of Charitable Donations and Bequests for Ireland desire, of the draft scheme published on the 8th August, 1887, and commented in the latter of 18th November, 1887, before referred to.

"4. That they are prepared to withdraw the application for the scheme for the government of Magee College, but they are not prepared to entail on the Trustee the trouble, and on the funds the charges, in which they may be involved by any intermeddling body, should the scheme providing for the future alteration of the scheme authorize applications for such changes to be made by absolutely any person whatever."

The next communication is from the Committee and Trustees of the Dublin Working Boys' Home, and Harding Technical School, of the same date:—

"Referring to the objection of the Commissioners of Charitable Donations and Bequests, we beg to state that we do not approve of the alteration which is suggested, inasmuch as the governing body of the endowment is formed of persons interested in the institution, and one-half of their number will have to seek re-election every third year, and we think the clause in the scheme, as it now stands, is quite sufficient to guard against abuse in the future.

"No interested individual or public body has come forward within the time specified in the Act to give any help or make any suggestion in the framing of the scheme, and it appears to us most objectionable to leave it in the power of everyone who in the future wishes to be an interest in the endowment to re-open the question of its application. Such an arrangement would, we believe, take from the stability of the whole endowment, and would possibly prevent persons becoming life members, or bequeathing legacies except under stringent conditions.

"The draft scheme having been now drawn up by your Commission with so much care and consideration, we would prefer to omit the clause for its alteration altogether rather than make it wider than it now stands."

Then we have a resolution passed at a meeting of St. Peter's School of Donal:—

"Resolved.—That this board is strongly of opinion that the power of applying for any alteration of the scheme when finally sanctioned should be strictly limited to the Governing Body."

Then there is a letter from the Governors of the Bertram Female Orphan School, Dublin, under date January 5, 1888:—

"The Governors of this school held a special meeting yesterday, and unanimously agreed that the amendment of clause 84 of draft scheme suggested by the Commissioners of Charitable Donations and Bequests should not be considered."

These are the documents we have received upon the matter, and, having read them, we are now anxious to hear those who are in attendance. Probably we should first ask Mr. Jelfet to present the views of the objectors.

7674. Mr. Jelfet, Q.C.—The Commissioners of Charitable Donations and Bequests conceive that the 24th clause of the scheme for Bertram's Charity should be modified in such a way as to enable persons who are really interested in the well-being and conduct of the Charity to make application in reference to any alteration of the scheme. I have no instructions in reference to Magee College, with which the correspondence is convenient. The Commissioners think the scheme should be modified to give the right to the Attorney-General, I would say, who certainly would be free from all the observations contained in the correspondence, and that it should also embrace persons who could prove that they are interested in the well-being of the Charity. Undoubtedly, it has been the practice in preparing schemes (not of this Commission, but speaking of Chancery schemes) to introduce a power to put the law in motion for its modification by persons interested—certainly at the instance of the Attorney-General—who would not be assumed to

interfere except for reasons that might compel him to do so. The 37th clause in your Act appears to have an important bearing on the point. The governing body may not fulfil the duties they were intended to discharge, and it may be necessary for certain persons to put the Commissioners of Bequests in motion (Road Educational Endowments (Ireland) Act, 1885, sec. 37). That clause undoubtedly seems to consider that there are other parties who would have a right to intervene to compel the governing body to discharge the duty thrown upon them by virtue of the scheme. It might so happen, and no doubt would happen in process of time, that they might be unable to give full effect to the provisions which were required under this 37th section to be given effect to; and it might be necessary to procure some modification in the scheme to enable them to do so. This 37th section appears to recognize persons having vested interests in the endowments, as being authorized to put the Commissioners of Charitable Donations and Bequests in motion, for the purpose of compelling that there should be a full observance of the scheme. Although section 18 uses the word "may," we are conversant with a number of authorities to show that that word, in statutes like this—particularly in matters of procedure, has had the interpretation of "must." It recognizes the authority of the Commissioners of Charitable Donations and Bequests as persons who have certain interests in carrying out the scheme, such as would authorize them to interfere. There could be no objection to the name of the Attorney-General being introduced. He would be the natural person to make any application for an alteration, but the effect of the scheme at present is to make the Governor elector.

7675. Lord Justice Fitzgerald.—Do you insist on the objection that we must give the power to every party to apply, and cannot introduce any specified names?

Mr. Jelfet, Q.C.—What I conceive, and what the Commissioners instruct me to press for, is this—that any person appearing in the terms of the 37th section to have an interest in the endowment should be entitled to make application, if necessary, for an alteration in the scheme. Section 37 provides that an application may be made by the Town Council or governing body of any town affected by a scheme, and I would propose that either the Attorney-General, or the classes recognized by section 37 as having an interest in the proper government of the educational charity, should be recognized under section 18 as entitled to apply for an alteration in the scheme. That would appear to me to carry out the provisions of the Act. It would be free from the objections glanced at in the correspondence—that it would offer a premium to persons who had no right to interfere. It would prevent what would be a serious blot on the whole scheme—that is that the governing body should be so entirely absolute, that no other authority could have power to make an alteration in the scheme. It would be wise to introduce the Attorney-General and the other authorities.

7676. Dr. Traill.—But the objection is that we are stopped by section 18 from introducing any authorities.

Mr. Jelfet, Q.C.—No; section 37 is a good illustration of the class of persons who have a right to apply for alteration of the scheme.

7677. Dr. Traill.—How is the Attorney-General interested?

Mr. Jelfet, Q.C.—He is interested in every charity. He represents every charity. You cannot have an information laid against the Governors of any charity except through the Attorney-General, under Sir John Romilly's Act.

7678. Lord Justice Fitzgerald.—I had better read the objection in the most formal shape in which it has been presented by the secretary of the Commissioners of Charitable Donations and Bequests before

the Privy Council, for we must see what we are asked to do.

"CURRIE SCHOOL, BELFAST."

"I am directed to lodge an objection on behalf of my Commissioners to paragraph 29, on the ground that it limits the persons by whom applications to this Board for the future alteration of endowments may be made, my Commissioners being of opinion that it is not in the discretion of the Educational Endowments Commissioners to make such limitation, but that when a clause providing for the future alteration of a scheme is inserted therein, it should be framed so as to allow any party interested (and these words are undefined) "to apply as provided by the 16th section of the Educational Endowments (Ireland) Act, 1857."

It therefore appears, Mr. Jellett, that your Commissioners contend, as matter of law, that we are not at liberty to define at all who is to apply, and if they are right it would be as illegal to name the Attorney-General as anybody else.

Mr. Jellett, Q.C.—The 37th section seems to apply to the whole case.

7673. Lord Justice FRYGIMSON.—But the Town Council or the ratepayers mentioned in that section might not be persons interested at all, and if we are to put in "any person interested," that must include "every party interested."

Mr. Jellett, Q.C.—No, a charity to Belfast would not have the interest intended for a charity in Dublin.

7674. Lord Justice FRYGIMSON.—The objection would involve that after the scheme has passed through this Commission, and been approved by the Law Officers and Lord Lieutenant in Council, and has put the force of law, everybody claiming any interest in it could go to Kildare-place and apply to have an alteration of the whole thing. The written objection is that we have no power to limit or define the applicants at all, and we must first know whether you are arguing in favour of this written objection, or shall that we be at liberty to define who the applicants are to be. If that is all you ask, you will find us anxious to admit every person to whom the power can be given with advantage to the Charity, but not to admit every interested person who might have an idea in his head that the scheme should be altered.

Mr. Jellett, Q.C.—What I would submit is that you should follow the 37th section, and introduce the persons named there as the persons on whose application any modification of the scheme was to be made.

7675. Lord Justice FRYGIMSON.—Then you admit we are at liberty to define the persons.

Mr. Jellett, Q.C.—I think that in regard to procedure, and in dealing with a judicial body, you can say that the word "may" means "must."

7676. Lord Justice FRYGIMSON.—Look at sections 14, 15, 16, and 17 of the Act, which say that the Commissioners "shall" provide so and so; do they not show that section 18, which says the Commissioners "may" provide, is discretionary?

Lord Justice NASH.—As regards your suggestion to enable those named in section 37 to apply for alterations, there are a great many schools that we have got to deal with belonging to particular religious denominations, and it would be inconvenient, I think, to give general powers to twenty ratepayers of a Poor Law Union to say how much schemes should be altered.

7683. Lord Justice FRYGIMSON.—What have the Town Council of Belfast, for instance, to do with the Ulster Society for the Education of the Deaf and Dumb; or the Derry Corporation with the Magee College? The institutions happen to be in the town, but that is all.

Mr. Jellett, Q.C.—I would ask you to take the very words of the 37th section—"Any ratepayers (not less than twenty) of any Poor-law Union or place directly affected thereby, or of any person or persons having a vested interest in the endowment."

7684. Lord Justice FRYGIMSON.—Are the ratepayers "affected" by a scheme for a private endowment?

Mr. Jellett, Q.C.—Yes.

7685. Lord Justice FRYGIMSON.—In the case of the Bertram Charity, how are the ratepayers of Dublin affected by the scheme?

Mr. Jellett, Q.C.—I do not say they are.

7686. Lord Justice FRYGIMSON.—Then I do not think the words of section 37 apply.

Mr. Jellett, Q.C.—Of course in case of the application being made by a particular class of persons, the Board of Charitable Donations and Bequests would have the right to consider whether they were the persons having a right to object under the Act.

7687. Lord Justice FRYGIMSON.—Yes, but they would have to hear the question discussed, and what we have to consider is, whether we can define who are to be competent to take the proceeding. If "any party interested" may apply, the Commissioners cannot refuse to hear the application. The governing body is interested, every object of the Charity is interested, every officer and servant of the institution is interested, but it would be a monstrous thing that if a person wanted a child to be kept longer in the school than the scheme allowed, or if an officer wanted a bigger salary, he could apply to have the scheme altered. Besides, there is no power given to occupy the governing body the cost of making applications for alteration. Your Commissioners have told us officially that there are duties which they "cannot efficiently discharge from want of officers, of time, and of judicial authority."

Mr. Jellett, Q.C.—What I conceive is that the 37th section, which defines the class of persons who have a right to complain of a scheme not being properly carried out, would indicate who are the persons who should be permitted to apply to alter it.

7688. Lord Justice FRYGIMSON.—But your objection is that we cannot define them at all.

Mr. Jellett, Q.C.—Then I would say follow the words of the Act, and supposing the terms of section 18 to be compulsory, you would put in that the scheme should be altered by the Commissioners of Charitable Donations and Bequests on the application of any party interested.

7689. Lord Justice FRYGIMSON.—Those are the words to which all parties interested object. If we put them in, every person interested would be entitled as of right to apply.

Mr. Jellett, Q.C.—I cannot conceive that there is any great objection. It is plain that the 37th section recognises that the Governing Body may not finish up their duty, and that they can be called to account.

7690. Lord Justice FRYGIMSON.—Yes; but section 37 deals with cases where the trust is not carried out, and according to the existing law any person interested can compel the due execution of a trust, and the Attorney-General can file an information. Observe the only judicial proceeding to be taken under the 37th section is one at the instance of the Attorney-General, but, preliminary to that, there is a power to go to the Commissioners of Charitable Donations and Bequests to get something like a preliminary notice. What section 18 deals with is the case of an existing charity, with defined trusts, which it is desired to alter. A trustee cannot go to the Court of Chancery to alter his trust. The only power that I know for that purpose is an information by the Attorney-General, and you want to give the power indiscriminately to the Commissioners, a new tribunal, on the application of anybody having an interest, no matter how small.

Mr. Jellett, Q.C.—Section 37 plainly contemplates that the governing body may fail to discharge their duty.

Lord Justice FRYGIMSON.—Yes; and provides a remedy.

Mr. Jellett, Q.C.—Therefore the scheme should be

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framed in such a way that the Governing Body could be called to account.

7691. Lord Justice FRYGESSON.—I agree; and by analogy we have tried to find somebody in each case who may apply for an alteration, if the Governing Body should fail to do so in a proper case. Take the Bertrand scheme, and see the number of people who may apply:—

"In any matter whatsoever the Governors, or the General Synod and General Assembly, or the Diocesan Council and Presbytery; and in any matter relating exclusively to the Church Governors, the General Synod or Diocesan Council; and in any matter relating exclusively to the Presbyterian Governors, the General Assembly, or Presbytery."

The principle which we have gone on is this—we always allow the Governors to apply whenever they think the existing scheme requires alteration. We search for some other body independent of the Governors, and if possible superior to them, and authorise them also to apply. We do not let in individuals. Take the case of the Church of Ireland Training College scheme, which is now law, and assume that the clause you propose had been inserted that, "it might be altered on the application of the Governors or any party interested." At every stage that scheme was opposed by a minority of the existing committee. We overruled their objection here. They appeared again before the Privy Council, and argued the objection, and it was overruled there also. The objectors are members of the Governing Body and interested in the endowment, and regarded the objection as a matter of principle. If your objection prevailed, the moment the scheme passed, the whole question might have been raised again before the Commissioners of Charitable Donations and Bequests.

Mr. Jellic, q.c.—I could dispute an extreme case, that some scheme might exist to reference to the administration of the scheme that was not foreseen, and it is impossible to foresee what modifications might be required in the lapse of years. Perhaps the Governors would be the best to interfere for the purpose of having any alteration made.

7692. Lord Justice NANCE.—In the Bertrand scheme, do you think that the parties named are insufficient to enable application to be made to the Commissioners of Charitable Donations?

Mr. Jellic, q.c.—I should say not. No man can foresee what the future constitution of the bodies here defined may be. This proceeds on the assumption that these bodies will always be constituted as they are now.

7693. Lord Justice FRYGESSON.—Each of those bodies is defined to include the supreme authority of its own denomination for the time being. The General Synod or the Diocesan Council, or the General Assembly, or the Dublin Presbytery might be reorganised; but until the Churches they represent ceased to exist there would be some supreme authority in each of them, and if the Churches disappear the charity will probably have gone before then.

Mr. Jellic, q.c.—In the way the Governing Body is elected some of them represent the Diocesan Council, and some represent the Presbytery, and therefore really clause 34 of the scheme, which gives the power of application at the instance of the General Synod or General Assembly, or Diocesan Synod and Presbytery, gives it very much to the same class of persons as would be represented by the Governors. There is no independent body named, which seems to me to be the great objection, to criticise the action of the Governing Body.

7694. Lord Justice FRYGESSON.—You say that there ought to be an independent authority amongst those empowered to apply, and so there ought, if such can be found, but that would not go to the length of your objection?

Mr. Jellic, q.c.—I press it to this extent, that there should be some body or individual having the right to

criticise the action of both these bodies. The Governing Body is to consist of ten Governors, three of whom shall be ex-officio, and seven representative. The scheme defines who the ex-officio Governors shall be, and then states who are to be the representative Governors, and it seems to me that the persons who were contemplated under clause 34 are so much of the same class that there would be no independent body to criticise the action of both parties, and I really think that is what the Commissioners of Charitable Donations and Bequests wish to have.

7695. Lord Justice FRYGESSON.—Can you suggest who they should be—is it the category of the parish?

Mr. Jellic, q.c.—I think the Attorney-General.

7696. Dr. TRAVIS.—That would be a scheme to put fees into the lawyers' pockets. What is the Attorney-General wanted for? The object of all the schemes is to keep the lawyers out of them.

Mr. Jellic, q.c.—I don't think the Attorney-General for Ireland would interfere except at the instance of the Commissioners of Charitable Donations and Bequests. At present any proceedings in these cases must be taken at the instance of the Commissioners or the Attorney-General. On the other hand, this scheme, as I am, as it now stands, renders these particular bodies practically obsolete in the matter.

7697. Lord Justice NANCE.—Are you prepared to say in reference to this particular scheme that the persons mentioned in clause 34 are proper parties, or do you suggest any others whom we should consider as being properly suited to make application for alteration?

Lord Justice FRYGESSON.—There are cases in which categories or municipal authorities would be interested. For example, in Dublin there is a scheme for the Academy of Music, in which the Corporation should have a right to interfere, but you would not, I think, advocate our giving the power to the Town Council in the case of a private denominational charity.

Mr. Jellic, q.c.—I think myself that the Commissioners of Charitable Donations and Bequests would be satisfied if you inserted "any person or persons interested in the charity."

7698. Lord Justice FRYGESSON.—That is what everybody else objects to. We could not allow every teacher or pupil to apply to the Commissioners of Charitable Donations to alter the scale of fees. I go with you to the fullest extent in desiring to put in, with the governing body, some independent authority, and the main difficulty is removed if you concede that we are not obliged to put in everybody.

Mr. Jellic, q.c.—We come to you now under the 18th section of the Act. I presume that clause 34 in the scheme has been introduced in accordance with section 18 of the Act?

7699. Lord Justice FRYGESSON.—Yes; but the Commissioners "are of opinion that it is not in the discretion of the Educational Endowments Commissioners to make limitations, but that when a clause providing for the future alteration of a scheme is inserted, it should be framed so as to allow any party interested to apply." Though they have never said so definitely, I would imply that they admit we have a discretion to put in the alteration clause or to omit it altogether.

Mr. Jellic, q.c.—That is what I would say, too.

7700. Lord Justice FRYGESSON.—These schemes have a force that no Chancery Scheme has, because under section 29 of the Act they "shall not be questioned in any legal proceeding whatever." Therefore it might be contended that nothing short of an Act of Parliament could alter them if we omitted the alteration clause. We feel this as pressing pressure upon us to provide the means of modifying each scheme without going to Parliament, but if it is in our discretion to put in the provision at all, it seems unreasonable

that we should have no discretion as to how it is to be exercised.

Mr. Jelf, *q.c.*—The Commissioners say you need not insist the clause if you do not like, but if you introduce it I contend that you must do it in the strict words of the Act of Parliament.

7701. Lord Justice Fitzgerald.—Does the Act of Parliament say so? We may empower the Governing Body or "any party interested"—does that compel us (if acting at all) to empower every party interested? You have heard that some of the most important endowments in Ireland would rather withdraw than submit to that.

Mr. Jelf, *q.c.*—I would say the view of the Commissioners was that it was intended by you that the modifications should take place only at the instance of the Governing Body.

7702. Lord Justice Fitzgerald.—That is a mistake; we have done so, under special circumstances, in the cases of the Stanhope-street Schools, Belfast, and the Bewley Borough Schools, both of which are now in force, but in the case you are discussing you have the independent authority of three or four other bodies.

Mr. Jelf, *q.c.*—By clause 34, it appears that the application is to be made on the part of the Governors, and unites with them very much, as the Governing Body, a joint application of the General Synod and General Assembly.

7703. Dr. TRAILL.—The charity belongs exclusively to the denominations of which these are the supreme authorities.

Mr. Jelf, *q.c.*—But I want some other persons who are interested to be heard.

7704. Lord Justice Nares.—Would not the Attorney-General, irrespective of the provisions of our Act, have power to proceed by information, or petition?

Mr. Jelf, *q.c.*—He would, in reference to any abuse of it, but as regards modification of the scheme I don't know. This is not the case of giving liberty to any person to institute proceedings. The Commissioners of Charitable Donations are a public Board, and they would consider, before giving effect to any complaint, the status of the person interested, and see whether or not any consideration should be given to any complaint by the party.

7705. Lord Justice Fitzgerald.—We do not say the power would be abused, but the Commissioners act as a recognized tribunal for the exercise of jurisdiction in contentious matters. This is a new and additional power, over and above the power of the Court of Chancery—a power to have recourse to a tribunal that otherwise would have no authority for the alteration of what has been done, after full consideration by this Commission, viz., the authority of the Lord Lieutenant in Council. If every person interested may apply, once the application is made it must be heard, and the opponents of the proposed change must be heard too, and the question is who is to pay for all this, or how it is to be done. We have been informed that your Board are not in the habit of hearing counsel.

Mr. Gwyn.—They are not; they have refused to do so.

7706. Lord Justice Fitzgerald.—Then are you to discuss, in the absence of counsel, the unlimited alterations of schemes sanctioned, after all the elaborate procedure under our Act, by the Lord Lieutenant and Privy Council? How is the question to be discussed? You do not hear counsel.

Mr. Gwyn.—No, my Commissioners have no time for it.

7707. Professor DOUGHERTY.—You would not alter schemes on any *ex parte* statement.

Mr. Gwyn.—No.

Mr. Jelf, *q.c.*—Perhaps the Commissioners of Charitable Donations would define the class that would be interested in addition to those named.

7708. Lord Justice Fitzgerald.—That is exactly what we have tried to do, and they contend we can't

do. We should be very glad indeed to have their assistance and to consider their suggestions, and in such case to insert an independent authority over the Governors by whom alterations might, when necessary, be proposed.

Lord Justice Nares.—Provided there is no undue interference with the Charity.

7709. Lord Justice Fitzgerald.—In such cases as the Bortland Charity we could not admit any stranger to interfere with the interests of the Church, or of the Presbyterians. A number of schemes to which your objection applies have been brought in by the consent of the Governing Bodies themselves, and we could not give an unlimited power to alter a scheme which was originally brought under our jurisdiction by consent.

Mr. Jelf, *q.c.*—If the elected bodies are maintained to those who elect them there would be no independent voice at all.

7710. Lord Justice Fitzgerald.—But if the electors and the elected, between them, see the parties to whom the endowment really belongs their independence must be respected.

Lord Justice Nares.—If there is any necessity for it we could make express provision for the Attorney-General's intervention under the ordinary law to protect the charity.

Mr. Jelf, *q.c.*—I would suggest—"If any person who shall be certified by the Commissioners of Charitable Donations and Bequests to be interested."

7711. Lord Justice Fitzgerald.—That would be enabling them to certify the competency of any person to come before themselves, and besides it would not satisfy those who are opposed to your objection: a person might be "interested," in the strictest sense, and be entitled to be so certified, and yet ought to have no right to apply to alter the trusts, for example, anyone deriving emoluments under a scheme might apply to the Commissioners to change the scheme in his own favour.

Mr. Jelf, *q.c.*—They never would entertain it.

7712. Lord Justice Fitzgerald.—They must "entertain" the application, and certify that he is interested if he be so. If they certified to the contrary they would certify what was not true.

Mr. Jelf, *q.c.*—That is a question of language. They could easily ascertain how the party was interested. All I mean to say is that any person has a right to interfere, and that the Commissioners of Charitable Donations and Bequests will ascertain the persons interested.

Dr. TRAILL.—That would open a door to all sorts of schemes. I am giving a lay view of the matter.

7713. Lord Justice Fitzgerald.—The objection to yielding to your contention is that we cannot allow every person interested to apply to alter our schemes. There is no such power in Chancery, or Common Law, or anywhere else, and it should be given only to the governing body, and to some controlling body over it.

Mr. Jelf, *q.c.*—The Commissioners of Charitable Donations and Bequests have power under this Act to entertain applications from any persons interested in the administration of a charity.

Dr. TRAILL.—That is the governing body.

7714. Lord Justice Nares.—That power does not extend to the objects of the charity but to the trustees of the charity, and we give it to the governors.

Mr. Jelf, *q.c.*—What we want is some effect to be given, in some way or other, and a definition given of "any person interested?"

7715. Lord Justice Fitzgerald.—That is exactly what we want too, and what the Commissioners say we have no power to do.

Mr. Jelf, *q.c.*—I would be satisfied if you define it in any way. Under the scheme at present the governors are completely subordinated in reference to any other scheme. Why not introduce an independent body that would have a right to introduce any change.

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7716. **Dr. TRAILL.**—I think the General Synod of the Church of Ireland, and the General Assembly of the Presbyterian Church, and the Diocesan Council, and the Presbytery will watch each other and the governors too.

**Mr. Jellott, Q.C.**—I suppose the Presbyterian Body would not interfere in regard to the Church of Ireland and vice versa.

7717. **Lord Justice FRYGROVE.**—If you will look at the different schemes you will see that in every case we have endeavoured to secure some expense body. For example, the Ulster Society is supported by voluntary contributions. The subscribers have the right to spend their money as they please, and in that case the application for alteration may be made by the governors who are elected by the Society, or by the Society itself, which consists of those people who contribute the money. Surely you don't want to authorize anybody else to meddle with the administration of their money.

**Mr. Jellott.**—That gives a large field to the persons who would be applicants for the alteration of the scheme. This Bedford scheme is a very narrow scheme.

7718. **Lord Justice FRYGROVE.**—Well, in that case, there being no subscribers, we have given the power to the General Synod, General Assembly, Diocesan Council, and the Presbytery as well as to the governors. I don't think that is a narrow scheme, when those denominations are interested, and have been continuously interested in this charity already for nearly 100 years. Perhaps the practical conclusion is that we ought to ask the Commissioners of Charitable Donations and Bequests to suggest, in each case, who would, in their opinion, be the most advantageous body to whom to give the power. Our present impression is not to let in subordination nor individual objects of the charity, nor mere minorities of those already represented.

**Mr. Jellott, Q.C.**—Then it will be necessary to have a meeting of the Commissioners to determine this question. If your Board suggested that there should be a meeting—

7719. **Lord Justice FRYGROVE.**—We suggest it now.

**Mr. Jellott.**—They thought that the Scheme would stand exactly as it was, or that the entire clause would be removed. They might consider the third alteration—that is to say, that you should add some person or other as a person interested, and modify clause 34 accordingly on the subject.

7720. **Lord Justice FRYGROVE.**—Let me read you our communication to the Lord Lieutenant on the subject in the case of Morgan's and Mercer's Schools:—

"Though provision is made for securing the continued efficiency of each scheme, in the constitution of the Governors, by the appointment of an Inspector by the Lord Lieutenant, and by public audit, the Commissioners quite feel the importance of conferring the power of application to alter the Scheme upon some other body as well as upon the Governing Body; accordingly, in the case of Morgan's and Mercer's Schools, they have proposed to give the power to the General Synod and to the Diocesan Council as representing the supreme authority of the religious denomination to which the endowed belongs, and they trust that this provision will command itself to the Lord Lieutenant in Council as sufficient to attain the objects of the eighteenth section of the Act."

The issue between us could not be more clearly joined than by comparing that with the objection I have read—that when the clause is inserted we have no power to insert any limitation or definition whatever, "any party interested" to apply practically—that we cannot interfere the power of alteration without making the Scheme inoperative. There are eight schemes now actually in force with the validity of Acts of Parliament, approved by the Law Officers, and sanctioned by the Lord Lieutenant in Council, which contain

these limiting clauses, including one under which the governors alone can apply. Until July 15th last, we never heard of this point, and fifteen schemes have been delayed since for its consideration.

**Mr. Jellott, Q.C.**—Perhaps your secretary will communicate your suggestion to the Board.

**Mr. Gerson.**—If a communication comes to the Board it will be immediately considered.

7721. **Lord Justice FRYGROVE.**—We have now made the suggestion in open court.

**Mr. Gerson.**—Perhaps your lordship would direct your secretary to communicate it.

7722. **Lord Justice FRYGROVE.**—We are required to act as a judicial tribunal, and I don't know that we ought to send any communication through our secretary, but if it convinces you we can send you the result of the matter in writing.

**Mr. Gerson.**—Our solicitor will have to report to the Board. It would be more regular, I think, if your secretary sent the communication.

7723. **Lord Justice FRYGROVE.**—We must ask you to remember that four of the largest endowments in the North of Ireland and eleven smaller ones are being delayed for this point.

**Mr. Gerson.**—Our Board is exceedingly slow to give a *locus standi* to any person coming before them to object.

7724. **Lord Justice FRYGROVE.**—If the words "any person interested" be inserted they must give a *locus standi* to every such person.

**Mr. Gerson.**—They will not give a *locus standi* to any person. They will take care to consider the *locus standi* of any person applying.

7725. **Dr. TRAILL.**—Let them say what they want.

**Mr. Jellott, Q.C.**—I think Mr. Gerson can communicate your suggestion. You are willing to admit another body besides the Governing Body.

7726. **Lord Justice FRYGROVE.**—We have in each case done what we could to discover such a body, but the Commissioners of Charitable Donations and Bequests have not yet approached the consideration of this question, for their attention hitherto has been that we must insert all the words of the section or none. If they will suggest a proper party in each case when they think the present provision is insufficient we will be very glad. The Attorney-General has an independent authority to go to a court of justice, and scarcely seems to be "a person interested" within the meaning of sec. 18. Besides if we gave this special power exclusively to the Attorney-General we should probably excite all the apprehensions of Government interference which are entertained by those interested in these private or denominational charities. The Attorney-General can always intervene if there is any abuse.

**Mr. Jellott, Q.C.**—How would he appear?

7727. **Lord Justice FRYGROVE.**—In the High Court of Justice by information or petition.

**Mr. Jellott, Q.C.**—The expense would be much less to the "party interested" by keeping to the terms of the Act. It would be a trifling cost to him to have the scheme modified.

7728. **Lord Justice FRYGROVE.**—But what of the cost of opposing improper applications?

**Mr. Jellott, Q.C.**—If any one wants to modify the scheme he can do it by a summary application.

**Lord Justice MAINT.**—Only to carry out the scheme which is already settled. To apply to change the trusts he must have the aid of the Attorney-General.

7729. **Professor DENHAM.**—Take the case of the Magee College, where the Governing Body is under the supreme control of the General Assembly, would you allow any outsider to come in before the Commissioners of Charitable Donations and Bequests as a governing authority over them?

**Lord Justice MAINT.**—That is a theological college.

**Mr. Jellott, Q.C.**—There might be cases where both of them might be at issue.

Dr. TRAILL.—At present they could not be brought before the Commissioners of Charitable Donations and Bequests at all by anybody.

7730. Lord Justice FRYGROVE (to Mr. Dia).—Have you anything to say in regard to this matter?

Mr. H. F. DIA (one of the Governors of the Bedford Female Orphan School).—We did not know that the arguments which you have heard would turn upon our scheme, and we have not instructed counsel to attend here to-day. We think that the Commissioners have made provision for the most suitable persons to whom the power of making application to alter the scheme could be given. So far as we are concerned—ours being a charity consisting of Church people and Presbyterians—we consider that the bodies you have given the power to are the proper bodies, and that we should not be subject to attacks from any persons who fancied themselves interested, for if the general words of the Statute were inserted any person might come in and put us to trouble and expense, for which we have no means of being recompensed in any way. Under the circumstances we submit that clause 34 of the scheme as it stands is what it should be.

7731. Mr. J. J. SLOW.—It seems to me that Mr. Jellett has given up the greater part of the contention of the Commissioners of Charitable Donations and Bequests. The question I was brought here to argue was whether every person interested in it has power to apply to the Charitable Commissioners for an alteration in a scheme. Mr. Jellett, as I think, now contends that the Commissioners can define the parties interested, other than the governing body, who may so apply. He contends, I think wholly illegally, that section 37 gives an indication of who the persons are, other than the governing body, to apply under section 18. Under section 37 a number of people have got power to apply to put the Charitable Commissioners or the Lord Lieutenant in motion to have effect given to a scheme who are not "persons interested" within section 18 at all. The Town Council or twenty ratepayers of Bedford are not interested in the scheme of the Ulster Society. It would be illegal to give them a right to apply for an alteration. The Inspector appointed by the Lord Lieutenant under the Act is not a person interested under section 18. If the Commissioners under section 18 were to propose that the Inspector appointed by the Lord Lieutenant or the Town Council, or twenty ratepayers, should have power to apply for the alteration of a scheme like the Ulster scheme, it would be contrary to section 18, under which the only persons to be considered are the governing body or the parties interested in the particular charity. So far as the schemes now before you are concerned, that for the Ulster Society, for example, in regard to which I am instructed, it seems to me that the Commissioners have done the best thing that they could do, that is to give the power to the governing body, or to the persons who elect them. Mr. Jellett objects that in reference to charities in connection with particular Churches, the supreme governing body of the Church is not the proper body to apply for an alteration of a scheme, because it would have the same interests as the governing body; on the contrary, it seems to me that, for that reason, they would be the proper persons. If the General Synod or the General Assembly are not the proper bodies to apply for an alteration in a scheme, which is directly of interest to them, I would find it difficult to know what other body could be selected. The objection that they belong to the same denomination, and that they have the same interest is not an objection to giving them the control of their ecclesiastical endowments. It might as well be said because a minister of the Presbyterian Church ought to have the same interest as the General Assembly, which has control over him, that some outside person should also have control over him. It seems to me that the governing body of the Church, placed there for the purpose of regulating the affairs of the Church,

is the proper body to see whether there should be any alteration of the schemes in which the Church is interested. Mr. Jellett has conceded practically that the Educational Commissioners should define the parties to make application, and I say that every case must be determined by itself on the question as to who is the proper authority to apply. I appear for the Magee College and for the Ulster Society, and for a number of other bodies that have had schemes settled for them, and we decidedly object to its being left open to any persons to go to the Charitable Commissioners and say they are interested, and force us to go to the Commissioners and say that they are not. If the question is not determined by the scheme, it must be argued in every case, and we will be obliged to go to expense and trouble to show that Tom, Dick or Harry, who says he is interested is not interested in the scheme, or if he is interested that any alteration he chooses to propose should not be made. The Commissioners would have to determine these questions either on ex parte statements or on notice to the governing body, who would have to go to the trouble and expense of sending some person to argue the matter whenever the question was raised. For these reasons all the bodies that I represent, including the Intermediate Education Committee of the General Assembly, who take a great interest in the schemes settled by the Commissioners, object most strenuously to putting any words into the clause such as "any party interested." If you put in "any party really interested" it would come to the same thing, or that the Charitable Commissioners should decide or certify who was interested. Either the present Commission must define beforehand who are the parties upon whose application alterations may be considered by the Charitable Commissioners, or they must leave the whole question at large, and put every charity and every institution for which a scheme is settled at the mercy of every intermeddling body who may choose to say he is "interested."

7732. Lord Justice FRYGROVE.—What about the Attorney-General?

Mr. SLOW.—It occurs to me that the Attorney-General is not a "party interested" within the meaning of section 18. He has an official power in regard to charities, but it was not contemplated in this Act, nor is it affected by it.

7733. Lord Justice NASH.—He represents the Crown.

Mr. SLOW.—Oh, yes.

7734. Lord Justice NASH.—And the Crown represents every charity.

Mr. SLOW.—The Crown is not named in section 18, and in section 34 the Attorney-General is specifically named.

7735. Professor DOUGHERTY.—There might be great jealousy in denominational bodies if the Attorney-General was authorized to come in.

Lord Justice NASH.—Any right that he has is not barred by our schemes.

Mr. SLOW.—He can file an information at the relation of any person interested, and come into the Court of Chancery to have a scheme altered or scheme corrected.

7736. Lord Justice FRYGROVE.—A proceeding of that kind would be at the risk of the relation as to costs; I don't think the Charitable Commissioners could make any order upon an applicant under section 18 to pay costs.

Mr. SLOW.—They could not. They are not a judicial tribunal. You would not as Educational Commissioners have power to give costs against any party coming before you, and the Charitable Commissioners have no greater power than you have in favor of or against parties coming before them. We certainly think that in each particular case some body other than the governing body should have the power of interfering—that is, in cases of denominational charities—parties of the same denomination, and in other cases parties of some recognized status.

Jan. 8, 1885.

7737. Professor DOUGHERTY.—You are satisfied with the provision made in the case of the Ulster Society, in the case of the Magee College, and in the case of the Bertrand charity?

Mr. Stans.—Yes. We don't object to any of those schemes.

7738. Professor DOUGHERTY.—You don't think any further modification should be made?

Mr. Stans.—No.

7739. Rev. Canon Morgan Jelliff.—I appear on behalf of the institutions I belong to, the Bertrand, St. Peter's, and Mrs. Wray's Schools, and as a member of the Church of Ireland, I say that if there are any additions to those who are to object besides the Governors, the General Synod should be at liberty to interfere, and you ought not to allow any person who thought he was interested to give trouble and annoyance to the Governors. When a scheme was established under this Act we thought there was a finality in the matter, and that there would be no danger of having it upset, or the scheme enlarged by any parties who said they were interested. As regards the Board of Charitable Donations and Bequests, I don't think

the reference to them would be as fair to the Church as I am connected with as it would be to the Roman Catholic Church. Any matter affecting a Roman Catholic charity coming before the Charitable Commissioners is referred, as I understand, to a committee of Roman Catholics exclusively. In the case of a charity belonging to the Church of Ireland it is referred to a committee of Protestants, who need not all be members of that Church, and all Protestants do not take the same views as to charitable donations and bequests where there are religious questions involved.

7740. Professor DOUGHERTY.—You surely don't suggest that the denomination I am connected with—the unfortunate Presbyterians—have any power or influence on that Board.

Rev. Canon Jelliff.—I don't know whether they are represented on the Board at all or not. I sympathise with them. They never know how to look after their own interests. That is all I have to say—that if the power is extended I would greatly prefer what the Commissioners themselves propose, and not what is suggested by the Commissioners of Charitable Donations and Bequests.

### THIBSBOROUGH SUNDAY AND DAILY SCHOOLS.

Thibsborough  
Sunday and  
Daily Schools.

7741. Rev. N. W. Corry.—I am interested in these schools, and I think the proposal that has been made would not diametrically against what the Commissioners of Charitable Donations and Bequests want, and would bring in persons who could not be said to have any interest in the charity. I don't see how the Town Council or twenty ratepayers have any interest in the working of the charity. I think it should be open to the Charitable Commissioners to suggest before the scheme is signed the person interested in every par-

ticular instance to whom the authority should be given, and such persons should be introduced into the scheme. In that way each case would be decided, and the parties interested would have the right of opposing and stating that they had the right to interest themselves in any scheme. I object to any and every person being allowed to come in, but I would be glad if the Commissioners could suggest any independent body to see that there was no injury done to the charity.

### THE MERCHANT TAILORS' SCHOOL.

The Merchant  
Tailors' School.

7742. Mr. MacMullen.—On behalf of the Merchant Tailors' School I object to any alteration in the scheme you have laid down, or to any enlargement of

the clause. We consider when you have given power to the General Synod, General Assembly, and Governors, it is sufficient.

7743. Lord Justice FRYGIMON.—We would like to make it clear that the power in question is a new and special power to go before a special tribunal for the purpose of altering existing and valid trusts, with a view to improving the administration of charitable funds as occasion may require in the future. I confess that, looking broadly at the question, I think the whole power is discretionary; it being conceded that we may leave this provision out altogether, it would be a strained and unnatural interpretation of the clause, that although we may leave it out altogether we have no discretion whatever to define it if we give it at all. Also as a mere matter of grammatical construction my opinion is against the objection. The section says we may provide for alteration "upon application made by the governing body or any party interested." May we not give the power to either or the alternative? The contention is that we must give it to both or neither. That is not the ordinary meaning of the alternative "or." But if we take the alternative of giving it to "any party interested," we have, according to the ordinary meaning of the words, power to name, that is to define, the party to whom we give it, and are not bound to allow it to every party interested. If we have any discretion it is the unanimous opinion of all parties that we should limit the power, and some of the parties interested feel this so strongly that they say they will withdraw altogether if this unlimited liability to change is to be forced on them. If our jurisdiction is given in ambiguous words, I would prefer to exercise it not in a strict-faced fashion, but as the interests of the charities require, and no harm can be done, for, once approved by the Lord Lieutenant, the schemes cannot be questioned.

Mr. Gorton says the Charitable Commissioners do not bear counsel, but yet it is proposed that they should determine who are "parties interested," and that we cannot do so. If they were to determine the status of any person coming before them or parts and without hearing the opposing parties, it would lead to further litigation. We are satisfied that we ought to yield to the wishes of the parties interested in the charities, so far as is consistent with securing efficiency in the governing body and a reasonably sufficient judicial means of altering the scheme, if in course of time it should become necessary to do so. We would wish it to be officially communicated to the Commissioners of Charitable Donations and Bequests that in our opinion, on the best consideration that we can give to the matter, we have a discretion to define the parties to make the application in question, and that it is our duty to define them so as to secure in each case, if possible, that not only the governing body, but also, in case the governing body should become inefficient, some higher authority should have power to make the application, but at the same time not to leave it open to any or all concerned to disturb the provisions of the scheme. I do not think we can name the Attorney-General; probably the Attorney-General would be as objectionable to those interested on any body else, and he already has his official power to interfere through the ordinary tribunals of the country, which can make provision for the costs, which the Commissioners of Charitable Donations and Bequests cannot. For these reasons we think it advantageous to adhere to the principle upon which we have gone up to the present, but we will be glad to learn from the Commissioners of Charitable Donations and Bequests whether they

can suggest any other body or bodies which would be available to make the application in the case of each scheme, besides those already named.

Mr. Gerson.—Do I understand that the secretary will communicate with the Board or our solicitor?

Lord Justice FRYGROVE.—Your solicitor will report.

1744. Mr. Jellist, Q.C.—There are now some objections to the 30th, 31st, and 32nd sections of the Bertrand Scheme.

1745. Lord Justice FRYGROVE.—We have a specific objection from the Commissioners to the clauses

regulating their accounts. A good deal turns on the question whether the Governing Body of the School is distinguished from the Governing Body of the property, ought to have some means of learning how the property is dealt with.

Mr. Jellist.—We did not hear of these objections at all until to-day. We have a meeting of our Board on Thursday, and I would ask you to postpone the present application.

Lord Justice FRYGROVE.—It will be better that you should hear what it is now, and if necessary we can postpone dealing with it until you have considered it.

Feb. 3, 1888.

The Methodist  
Telford School.

#### BERTRAND FEMALE ORPHAN SCHOOL.

1746. Mr. Jellist, Q.C.—As regards the Bertrand Charity, the proposed mode of making out the accounts will lead to a conflict between the Local Government Board and the Commissioners of Charitable Donations and Bequests, and having regard to the fact that the Commissioners are a public body, it would seem to us that the directions in reference to the management of the estate are unnecessary, and would also lead to a conflict. As regards the custody of the deeds, it is provided under 30 and 31 Vic., cap. 54, sec. 11, that the Commissioners are to make regulations in regard to them. Then the keeping and the auditing of their accounts are already regulated by statute, 7 and 8 Victoria, cap. 98, sec. 59, provided that the accounts should be audited by the Remembrancer in the Court of Exchequer. When the Remembrancer was abolished, his duty was transferred to the Receiver Master, and when the Receiver Master was abolished the duty was transferred to the Local Government Board. I therefore think that the provision in the scheme, clause 33, would lead to a conflict.

1747. Lord Justice FRYGROVE.—By letter of November 18, 1887, your Commissioners requested us to be good enough to point out to the Board the authority under which we proposed to make provision as to the manner in which they were to discharge their duty, and they further directed their secretary to point out that clause 31 of the draft scheme appears to have been inserted in forgetfulness of section 53 of 30th and 31st Victoria, cap. 54. It was not inserted in any forgetfulness of the Act referred to, but it is in the common form adopted in our other schemes, and which we are quite ready to modify if necessary. Without suggesting that your Commissioners wrote this letter in forgetfulness of our Act, if you will look at sections 16 and 17 you will see how our difficulty arose. Our scheme when passed will, under section 27, override even Acts of Parliament, and we at a very early stage laid down the principle that we would endeavour to make every scheme complete in itself, so that those acting under it need not look to anything else. We are obliged under section 17 to insert into the body of every scheme a provision for audit, the Commissioners of Charitable Donations and Bequests are not excepted, and accordingly it occurred to us that we should insert the same provision with respect to them as to others.

Mr. Jellist, Q.C.—They are not the governing body.

1748. Lord Justice FRYGROVE.—From the report of the Commissioners of 1880 it would seem that there were then two landed endowments of which they would be the governing body as defined by our Act, as "The Commissioners having the administration of the revenues." One of these is not educational, and, therefore, the Bertrand estate is probably now the only landed property administered by the Commissioners of Charitable Donations and Bequests that comes within our jurisdiction. From the evidence given in 1879 by their Secretary it appeared that they wished to be relieved from the administration of the property, and we wrote to ask whether that was now their desire or not. The answer was that they did not wish to express any opinion on the subject, and they questioned our jurisdiction to withdraw the administration of the property from them. Under

the circumstances, desiring to avoid any interference with the Commissioners of which they did not fully approve, we left the property as it was, but evidence was given before us by those who had the management of the school, and they complained that they never got any copy of the accounts, did not know how the property stood, were not allowed to attend the audit, and we have proposed to remove those grounds of complaint, but would be glad to modify the scheme in any way that would meet the views of the Commissioners so far as can be done consistently with the efficient management of the charity. The following evidence is what I refer to (Q. 18570):—

"The Bertrand property, and one other, are, I may say, the only charities we have. We cannot, by Act of Parliament, take property, and indeed the Commissioners had a disinclination to manage property. Those were transmitted from the former Board by the Act of 1844."

I then asked (Q. 18571):—

"Then it is not the view of the Board that they can with advantage in managing the property?—So much is that the case that from the draft Bill in the Charitable Bequests Act passed in 1887 they struck out the power intended to be conferred on them to accept landed property, and strictly confined it to annuities and money in the funds."

(Q. 18572.) Are there any instances of property being vested in the Secretary of the Board as the Trustee?—No, that was an expedient system under the old Bill. It was never done under this Board. We would not place ourselves in that position."

That was the view presented by the Secretary of the Commissioners on the occasion. No provision should be unnecessarily inserted in the scheme that would conflict with the existing system adopted by the Commissioners under their own Act, and, we will do the best we can to prevent any such conflict, but I am afraid we must insert the provisions required by our own Act.

Mr. Jellist, Q.C.—A clause of this kind could not have the effect of repealing the provisions in a whole code, such as that of the Commissioners of Charitable Donations and Bequests.

Mr. Gerson.—My lord contented they are not a governing body.

Lord Justice FRYGROVE.—There is no exception in our Act, and that they are a governing body when they have the "administration of an educational endowment appears from the definition, and from sec. 9, which specified the Commissioners of Charitable Donations and Bequests, or any other governing body having an endowment."

Mr. Jellist, Q.C.—The Bertrand scheme says who the governing body are to be. It consists of the Governors representing the Diocesan Council, and the Presbytery, and of the ex-officio Governors.

1749. Lord Justice FRYGROVE.—Possibly we can do what you want, and at the same time give effect to section 17, by providing for the Audit of the Bertrand School accounts by the same authority by which under your special Acts your other accounts are audited. We may safely assume that this will always be a "competent authority."

Mr. Jellist.—I don't think that it could have been intended that the system should be changed. It is

Bertrand  
Female  
Orphan  
School.

Jan. 2, 1886.

Barnard  
Fenile  
Orphan  
School.

an affirmative Act dealing with an affirmative Act, and it is inconsistent with it.

1750. Lord Justice Fitzgerald.—The Belfast Academical Institution is regulated by an Act of Parliament of Geo. III., yet it has been remodelled by the scheme.

Mr. Jellett, q.c.—Where you find an actual code in existence, providing for the actual thing, the effect of the late Act would not be to supersede the previous one.

1751. Lord Justice Fitzgerald.—We can give you what you want by providing that everything already governed by these existing statutes, shall continue to be carried out in accordance therewith.

Mr. Jellett, q.c.—It would be better to allow the thing to be worked out amicably, considering you are dealing with a body like the Commissioners of Beguins. There would be a conflict between the two bodies in any other event.

1752. Lord Justice Fitzgerald.—Let me assure you that, at all times and in every way, we have endeavored to give the fullest effect to the wishes of the Board.

Dr. Traill.—Are the Commissioners bound to give a copy of the accounts to the Governing Body?

1753. Lord Justice Fitzgerald.—I think you ought to send a copy of the accounts each year. As a matter of fact it appears that this is not done at present.

Mr. Dix.—I think we are entitled to an account. We should not give that up.

1754. Dr. Traill.—That is not mentioned in the code. If you have not got it in the past, you will not probably get it in the future.

Mr. Jellett, q.c.—I think there can be no objection to furnishing it.

1755. Lord Justice Fitzgerald.—There was a complaint here that the parties never saw the accounts.

Dr. Traill.—And there was a complaint that the estate was badly managed. Do you object to transfer the whole property to the new governing body to manage it?

Mr. Jellett, q.c.—The Commissioners cannot divest themselves of the trusts in the case, as has been decided.

1756. Lord Justice Fitzgerald.—That was so in chambers, but under our Act, sec. 6, we can transfer the Endowment and its management to a new governing body. In the case of the Commissioners of Charitable Donations and Bequests we would not do so, nor even propose to do so without their concurrence, and therefore we asked them whether they desired to retain the management of the Barnard Estate; their only answer was that they did not feel called upon to express an opinion, and that they did not admit our power in the matter at all—(reads letter of May 18th, 1887.)

Mr. Gervon.—In 1876, the Barnard Estate was in such an unsettled condition that it occupied the attention of the Board. Since then the lease has been settled. The Barnard property used to overshadow all the other business of the Board until we settled the whole property.

1757. Dr. Traill.—When did it first come into the hands of the Board?

Mr. Gervon.—In 1805.

1758. Dr. Traill.—When did the Governing Body get the first money?

Mr. Gervon.—A long time after.

Mr. Dix.—The school was first opened in 1872.

1759. Lord Justice Fitzgerald.—We did not wish to raise a question of law gratuitously, and we were satisfied to leave the property in the hands of the Commissioners. We can leave out a good many common forms in this scheme, and provide for the management of the estate and audit of the accounts, in accordance with the statutes regulating the proceedings of the Commissioners of Charitable Donations and Bequests. There ought, however, to be no objection to retaining the clause giving the governing body of the school a right to copies of the accounts,

and enabling them to attend the audit, and to bring forward objections or suggestions from time to time, as to the management of the estate, which is one that still requires more than perfunctory attention, and at which the past history has been very unsatisfactory.

Mr. Gervon.—The basis of the Commissioners' letter of May 19, 1887, was the decision of Lord Chancellor Brady.

1760. Lord Justice Fitzgerald.—Then it was based upon the general law, and does not apply to our Act of Parliament, which gives power to transfer trust property from one governing body to another.

Mr. Gervon.—We merely receive the rents and transfer them over to the governing body.

1761. Dr. Traill.—Will they hand the estate over to the new governing body?

Mr. Gervon.—I am not prepared to say.

Mr. Jellett, q.c.—I would ask you to look at the clause 33, providing for an assignment of the property by the Commissioners to the Governors. I submit it is contrary to law.

1762. Lord Justice Fitzgerald.—No doubt a trustee cannot divest himself of his trust, but this Act enables us to transfer endowments from one governing body to another. Do you object to the discretionary power to do this in the case of the Barnard Endowment?

Mr. Jellett, q.c.—I am instructed to object to it.

1763. Lord Justice Fitzgerald.—It is only an enabling power to yourselves.

Mr. Dix.—We want that clause retained, we might at some time want to have the management of our own property, and the Commissioners might be willing to give it to us. If the discretionary power is retained and approved by the Lord Lieutenant its being within the scope of the Act can not be questioned. It therefore is for yourselves to say whether you wish to have it or not.

1764. Dr. Traill.—Why would they object to a permissive clause?

Mr. Jellett, q.c.—The existing body might consider themselves, but not for their successors.

1765. Lord Justice Fitzgerald.—What do you say to this 53rd clause, Mr. Dix?

Mr. Dix.—I wish it to remain. Circumstances might arise when we would wish to manage the property ourselves.

1766. Lord Justice Fitzgerald.—What do you say about the management now?

Mr. Dix.—We say that we should have a voice, in making leases for instance.

1767. Lord Justice Fitzgerald.—There would be inconvenience in having two codes in existence at the same time, and Mr. Jellett says the Commissioners don't want a special code for this particular charity.

Mr. Dix.—Not being aware of the objections we did not look into the Act of Parliament to which to refer, and we would wish some time to consider it.

1768. Lord Justice Fitzgerald.—You should examine the existing Acts and let us know whether you want anything more.

Mr. Jellett, q.c.—(Reads from the judgment of Lord Chancellor Brady in *Fanning's case* in which the proceeding was instituted for the purpose of settling the Commissioners of Charitable Donations and Bequests to get rid of a trust fund):

"It is very difficult to accede to the prayer of this Petition, or to come to any satisfactory conclusion on the case as it at present stands. I am of opinion that something might be done to test the working of the present system and constitution, and the present rules of this Institution, before asking on me to make any decree, or to decide this matter one way or the other."

"The basis of this Petition is in fact that the Commissioners of Charitable Donations and Bequests may be released from their duties, discharged from their trusts, and exonerated from their responsibilities in connection with this Institution. In support of this, they state that they have not time, or inspection, or means to look closely after the working of this large and important charity, or to take that part in the control and management which it interests

would properly require. Some such difficulty as that suggested appears to exist; but if it does, it is not one that this Court has power either to remedy or remove. It is in fact a question for the Legislature and not for me. I cannot usurp its power; and if the Commissioners find their staff insufficient or their machinery defective, they must go to Parliament for relief. That part of the Petition, then, being clearly untenable, we come to what is more tangible, namely, that portion which seeks for a reference to the Master to settle a scheme for the management of the Institution. No doubt if the property of Mr. Fanning had in the first instance been brought into this Court, a scheme for the application of it would have been settled."

"There was in existence, however, a body having power, and ample power, to frame such a scheme, and they have done so."

"The Petition does not allege that any of the existing rules are illegal, or calculated to interfere with the working of the Charity; on the contrary, everything appears to have gone on in a most satisfactory manner down to the commencement of this suit."

"The question then is, is there any rule requiring alteration or amendment? If such be the case, it strikes me that the Commissioners have full power to make any alteration they think necessary, and to call upon the Board of Governors or Standing Committee to adopt the amended rules. As to that portion of the Petition which asks me to relieve the Commissioners from the administration of these funds, and to appoint new trustees, as I have already remarked, this is a thing that I am wholly unable to do. If

the Commissioners would examine carefully into the rules of the Institution and ascertain, by consultation with the Governor, whether any alterations or modifications in them are necessary, they would save this Court a great deal of trouble, and probably lead to an arrangement that would satisfy all parties. In the meantime let the case stand over generally, and what I have thrown out may perhaps bring about a settlement."

7768. Lord Justice FRYGROVER.—In our view the Act we are administering makes that decision inapplicable. We have in fact, in several of our schemes, already dealt with the management of endowments in the hands of the Commissioners of Charitable Donations and Bequests. In the first scheme approved by the Lord Lieutenant, the Swords School, we transferred the endowment to them, and provided for its management. The Commissioners are included in the definition of "Governing Body," and another section speaks of the "Commissioners of Charitable Donations and Bequests or any other Governing Body." Mr. Dix, in reference to this matter, we will send copies of the draft scheme, when revised and before it is signed, to you and the Commissioners, and your side of the question can, if necessary, be brought up then.

Mr. Dix.—I ask you not to sign the scheme until we go into that.

Lord Justice FRYGROVER.—We will not do so.

#### ULSTER SOCIETY FOR PROMOTING THE EDUCATION OF THE DEAF AND DUMB AND THE BLIND.

7770. Lord Justice FRYGROVER.—Mr. Jollett, in this case there is a small sum of stock, about £50, in the hands of the Commissioners of Charitable Donations and Bequests; and we propose to except it from the vesting clause, inserting words leaving it where it is, but to be applied by the Commissioners for the purposes of the scheme. (Reads clause as amended.) I think that clause will meet your difficulty.

Mr. Jollett.—Yes.

7771. Lord Justice FRYGROVER.—Mr. Shaw, with respect to the religious instruction point we have revised the scheme, but we cannot go behind the declaration of the Privy Council that you cannot admit Roman Catholic children as free pupils. (Reads amended clause.)

Mr. Shaw.—We never saw this before. This removes our main difficulty, I think.

7772. Lord Justice FRYGROVER.—Our correspondence was with Mr. Carson, to whom a copy was sent, and that may account for the Rev. Mr. Kingston not being aware of the amendment. The 53d clause has been amended, as you desired to cover the costs both of your trustees and committee.

Mr. Shaw.—Very well.

7773. Lord Justice FRYGROVER.—The schedule has been corrected and you must see that it is right now. The stock in the hands of the Commissioners of Charitable Donations and Bequests will remain there, and the governing body will get the dividends only. The 30 shares in the Holywood Gas Company are stated to be in the name of the "Trustees of the Ulster Institution for the Education of the Deaf and Dumb and the Blind." Can that be so?

Rev. Mr. Kingston.—They are registered by the company in that name.

7774. Lord Justice FRYGROVER.—The Commissioners seem to have held the trustees as already a corporation, but the new scheme will make that right.

Mr. Shaw.—The shares were given to the Society through the Civil Bill Court in Belfast in an Equity suit.

7775. Lord Justice FRYGROVER.—And did the Equity Civil Bill Court create this corporation?

Mr. Shaw.—I don't know, but I remember the case very well.

Rev. Mr. Kingston.—That was done by the company.

7776. Lord Justice FRYGROVER.—When do the trustees meet?

Rev. Mr. Kingston.—On this day week we will meet.

7777. Lord Justice FRYGROVER.—We will try to let you have the final copy of scheme before you then, and you must name Mr. Ross's successor. Bear in mind that up to the time we sign it we can make any change, but after that we can do nothing for you. It will not be necessary for you to go to the Privy Council if you tell us in time of any reasonable change you want.

Rev. Mr. Kingston.—We got the scheme through Sir Wm. Kaye before, and that is the reason we want to the Privy Council.

7778. Lord Justice FRYGROVER.—The Privy Council have declared that we are to accept Roman Catholics from those admissible as free pupils, but subject to the conscience clause you can take day pupils and paying pupils.

Jan. 2, 1888.

Revised  
Final  
Scheme  
Ulster  
School.

Ulster Society  
for promoting  
the education  
of the Deaf  
and Dumb  
and the Blind.

Royal Belfast  
Academy  
Institution.

#### ROYAL BELFAST ACADEMICAL INSTITUTION.

7779. Lord Justice FRYGROVER.—In this scheme the first amendment suggested was that the appointment of the Chairman of the Council of Studies as an ex-officio governor, should be put into a separate paragraph; that has been done. In this and other cases we have inserted, at the request of the Bank of Ireland, a provision that there shall be a written requisition for the transfer of stock. That is a matter

of form. On clause 17—"The Presbyterian proprietors object to three academical years as a qualification for free pupils becoming members of class 2 for the reduced sum of five guineas, and with that privilege to be open to new year's pupils." The Joint Board of Managers and Visitors have written to say they prefer that the clause shall stand as it is.

Mr. James Henry (Solicitor).—The objection to the

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 Educational  
 Institution.

three academical years in that the great mass of the pupils do not attend more than two years.

17780. Lord Justice FitzGibbon.—The Joint Board write that they "have very carefully considered the matters referred to therein, and that in their opinion it would be unwise to give the right of acquiring the privileges of membership in the institution to those who have attended it as pupils for a shorter period than three years, exclusive of attendance at the preparatory school." Remember anybody may become a member of Class II. who subscribes ten guineas.

Rev. George Heron.—Some of the children who come from the country are the sons of farmers, who have been educated in the country.

Lord Justice FitzGibbon.—This is a new privilege.

17781. Professor DOUGHERTY.—Do you wish to give this privilege to parties who came for two years only?

Rev. George Heron.—I do.

17782. Professor DOUGHERTY.—Since the intermediate system came into operation has there been any change in the age of the pupils?

Rev. George Heron.—They come at a much younger age.

17783. Dr. TRAILL.—Why then should they only remain for two years?

Rev. George Heron.—They attend schools in the country for elementary training.

17784. Dr. TRAILL.—If they attend for so short a time at the institution, why would they have this privilege?

Rev. George Heron.—They don't attend more than two years, on an average, except those living in Belfast. The great majority of the pupils come from the country.

17785. Dr. TRAILL.—But don't the great majority of the pupils stay more than two years at the institution?

Rev. George Heron.—No, not the country people.

Lord Justice FitzGibbon.—We are not excluding anybody. This is a privilege given for the first time, and the question is whether it should be given to pupils who have not really got their education chiefly at the institution. The question is about a saving of five guineas, and it would be an inducement to a man to be thus recognised as a past pupil.

17786. Dr. TRAILL.—Wasn't one of the objects in making it five guineas that it was to be an inducement to past pupils?

Mr. Henry.—No doubt, the main thing to keep in view was to create membership among past pupils.

Professor DOUGHERTY.—These young fellows who come up from the country for a couple of years do not attend a sufficient length of time to be regarded as past pupils of the institution. Have you any means to indicate the number who would be likely to avail themselves of the chance?

Rev. George Heron.—No, I have not. I speak to some of the masters, and I know them very well personally.

17787. Lord Justice FitzGibbon.—The masters are satisfied with the scheme as it is. I should be inclined to regard this as a privilege to be given only to bona fide pupils, that is to those who have got their education, substantially, in the institution, and a young man who really gets his education in the country and only comes to Belfast for a couple of years to finish it, is scarcely an alumnus of the institution in this sense.

Mr. Henry.—The pupils are largely drafted from the country. Their means do not afford them to pay for a lengthened time for their education.

Lord Justice FitzGibbon.—I don't think such a class of pupils would be of advantage to your constituency, at all events I don't think you should force them to against the opinion of the Governor. The first objection is as to the power of nomination of the pupils by transferees from donors of 100 guineas or upwards, and therefore think it should not be provided for in the new scheme. The Presbyterian Governors think we cannot omit it without taking away vested rights. We have looked into the old statute, and Dr. Molloy, who drafted the scheme, has come to the conclusion that it is very doubtful whether this right did not exist. It certainly has been exercised, though under protest as it were in at least two instances; we think we ought to make it quite clear that the power is not perpetual, that when once exercised it lapses, and in this shape it can do no harm.

Rev. George Heron.—We are quite willing to accept that.

17788. Lord Justice FitzGibbon.—We have inserted a more specific power to arrange with the head master and make terms as to the appointment by them of the domestic staff. The draft scheme says that the Governors shall appoint the staff, and that might be inconvenient. We will send you all final proof of the scheme. I really think you ought not to press this matter about two years for the boys.

Rev. George Heron.—I don't think we will alter what you have stated.

#### BELFAST ROYAL ACADEMY.

Belfast Royal  
 Academy.

17789. Lord Justice FitzGibbon.—The only question here is as to the right to the title "Royal."

Rev. Mr. Heron.—I am aware, and can state that the authority has been got from the Queen.

#### MAGEE COLLEGE.

Magee College.

17790. Lord Justice FitzGibbon.—There is only one question on this scheme. What is the name you wish to call it. The present name is "The Magee Presbyterian College, Londonderry." The draft scheme calls it "The Magee College, Londonderry." Take

care lest hereafter the founder might be mistaken for Archbishop Magee, or Bishop Magee, or some other pastoral person.

Professor DOUGHERTY.—The name should be "The Magee Presbyterian College, Londonderry."

#### MORGAN'S AND MERCER'S SCHOOLS (DUBLIN).

Morgan's and  
 Mercer's  
 Schools  
 (Dublin).

17790A. Lord Justice FitzGibbon.—This is a recommended scheme. Mercer's school has been withdrawn from our jurisdiction, and Morgan's School remains. Do you know, Canon Jellott, what it is intended to do about Morgan's School?

Rev. Canon Jellott.—No, I am not a governor of the Morgan's Schools.

Lord Justice FitzGibbon.—Then the scheme must stand over until we communicate with the Governing Body.

The Commission adjourned.

## PUBLIC SITTING—TUESDAY, JANUARY 10, 1888.

At the Office, 23, Nassau-street, Dublin.

Present:—The Right Hon. Lord Justice FITZGERSON, and the Right Hon. Lord Justice NASH, Judicial Commissioners; and ANTHONY TRAILL, Esq., LL.D., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Secretary, WM. EDWARD ELLIS, Esq., LL.B., and the Assistant Secretary, N. D. MURPHY, junr., were in attendance.

## ST. PETER'S PAROCHIAL SCHOOLS AND MRS. WRAY'S SCHOOL.

The Rev. Morgan W. Jellett, M.A., and Sir Andrew S. Hart, trustees, accompanied by the Rev. R. Geoffrey M. Webster, appeared.

7790. Lord Justice FITZGERSON.—We will take first the governing body of St. Peter's School. At page 1 and also at pages 2 and 6 after the words "New Bride-street," you wish to insert "and Camden-street." There is no objection to that. Then you want to leave out the definition of the General Synod which is given at page 3.

Rev. R. G. M. Webster.—Yes. We wish to preserve the powers of the Governors of the school.

7791. Lord Justice FITZGERSON.—In the next paragraph wherein the ecclesiastical parish of St. Peter is defined, you want to make an alteration, you propose for the words "said Church" to read "Church of Ireland."

Rev. Canon Jellett.—Yes, we would rather have legal title from you, and we think we are entitled to have it. We want to omit the paragraph relating to the General Synod altogether.

7792. Lord Justice FITZGERSON.—Why do you wish to leave out the definition of elementary education?

Rev. Canon Jellett.—You seem to limit the definition too much, and we do not want to hamper ourselves unnecessarily.

7793. Lord Justice FITZGERSON.—It does not hamper you at all. It is nothing more than a means of explaining what is meant by elementary education. We have inserted it because it is in the 11th section of our Act; it means whatever education can be given in an ordinary National school. We can give you leave to have whatever education you like afterwards.

Rev. Canon Jellett.—We wish not to be restricted as to the education and instruction we give in our schools.

7794. Lord Justice FITZGERSON.—What is your objection to clause 71? We wanted to give you an ecclesiastical parliament over the parochial schools.

Rev. Canon Jellett.—I think it would be only fair that the governing body of the schools should not be interfered with unless they did something wrong against the interests of the schools. We think that as parties outside should have power to object to the manner in which the schools may be managed by the Governors.

7795. Lord Justice FITZGERSON.—You want to have a scheme so framed as to bring the supreme control into your own hands.

Rev. Canon Jellett.—I do not want that anybody should have power to interfere with the power we have as trustees.

7796. Lord Justice FITZGERSON.—Would you really prefer going to the Court of Chancery to being under the control of the General Synod?

Rev. Canon Jellett.—I would, as the Court is a legal and small body.

7797. Dr. TRAILL.—This provision does not affect the scheme in any shape or form whatever. It simply gives you the power of getting your governing body changed through the Synod.

Rev. Canon Jellett.—I do not want an external governing body. In a large body like the General Synod when you may have to take the sense by voting there is always an uncertainty. I want to avoid that difficulty.

7798. Dr. TRAILL.—The school ought certainly to be under the control of the highest authority in the Church.

Rev. Canon Jellett.—I do not think it necessary that the General Synod should have the power of controlling us without formal application made.

7800. Dr. TRAILL.—There is no control asked for. Rev. Canon Jellett.—I think that the notion of large bodies is often uncertain, and not always to be depended on. I would prefer an appeal any day to a body like this Commission than to one composed of persons without special qualifications.

7801. Lord Justice FITZGERSON.—But the Educational Endowments Commission will cease on the 31st December, and who will you go to then?

Rev. Canon Jellett.—I do not think that the General Synod ever should interfere without being applied to for the purpose.

7802. Lord Justice FITZGERSON.—In all the cases of Church schools, we have made them liable to the supreme authority of the Church, just as in the case of the Presbyterian schools, we have made them liable to the General Assembly of the Presbyterian body, and you are the first to object to that principle.

Rev. Canon Jellett.—What I do object to is that in the General Synod an agitation might be got up by which we would be affected.

7803. Dr. TRAILL.—You do not suppose that the General Synod would trouble themselves about you unless for some urgent cause.

Rev. Canon Jellett.—I have no objection that anything should be done which may be necessary.

7804. Lord Justice FITZGERSON.—By whom is it to be done?

Dr. TRAILL.—If you go to the Commissioners of Charitable Donations and Bequests would that improve your position?

Sir Andrew Hart.—The Commissioners and the General Synod have the power of altering the governing body.

7805. Lord Justice FITZGERSON.—They have, Sir Andrew. I have been calling attention to the last clause in the scheme by which we have given power to the governors and to the General Synod to apply to the Commissioners of Charitable Donations and Bequests for an alteration. Speaking for myself I am extremely unwilling to leave that out, because it has been pointed out that the governors may fall into a state of inefficiency which it may be very desirable to put an end to, and in such a state of affairs the governors themselves would be the very last to apply to have themselves galvanised into life. It is evident that there ought to be somebody over them.

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able to put new life into them whenever it may become necessary.

Dr. TRAILL.—You do not propose to strike out the power of alteration on the application of the General Synod?

1800. Lord Justice FRERGINSON.—After what occurred yesterday there would be very great difficulty in doing it. It might be arranged by letting clause 41 remain as it stands, and leaving out clause 7.

Rev. Canon JELLET.—Very well; I am quite satisfied with that if there is no other change to be made.

1807. Lord Justice FRERGINSON.—Your next objection is to the word "Protestant"?

Rev. Canon JELLET.—I want a suitable description instead of an ambiguity; I want to preserve the powers we have.

1808. Lord Justice FRERGINSON.—The Wynn trustees differ from you—they have given this written notice:—"We understand that the trustees of the parochial school object to the word Protestant; we do not concur with this objection." What is the object of the change that you propose to make?

Rev. Canon JELLET.—The word "Protestant" unfortunately is liable to objection on account of its present ambiguity. For instance, benches were made for the purpose of educating Protestant children sixty or seventy years ago, and by "Protestant," I held, was meant "Irish Church," and this is now disputed, and my particular objection now is, that suppose you establish a governing body for a school, and that governing body are to be all members of the Church of Ireland, and that the children who are to be educated there shall be children of all "Protestant" denominations, in ten or fifteen or twenty years to come another extension of the word "Protestant" may be claimed, and it may be said here you have a governing body exclusively of the "Irish Church" while the children they educate are of all denominations, and a change would be demanded as to the governing body, that it should include all "Protestant" denominations. I do not see, also, where the schools being Protestant schools, they have taken and educated the children of all denominations, why the children of the other denominations should be given the same advantages as the children who are now legally entitled, and why the same advantages should be given to any children who are willing to come to the school. Another thing that I may mention is, that St. Peter's Schools are parochial schools, and we have, under the old law, no right to deny education to such children as are willing to come to us, and therefore we do not like the word "Protestant," as limiting the admission.

1809. Dr. TRAILL.—If you strike out the word "Protestant" it would cut against you in respect of possible future claims on behalf of the Roman Catholics to get representation on the governing body.

Rev. Canon JELLET.—I think not.

1810. Lord Justice FRERGINSON.—You have no Catholic children in the schools, I think?

Rev. Canon JELLET.—I do not think we have.

1811. Lord Justice FRERGINSON.—Have you any Jews?

Rev. Canon JELLET.—We had a considerable number of Jews; we have some Jews still, I think, but I do not think we have any Roman Catholic children.

1812. Dr. TRAILL.—Should not the trust be limited?

1813. Dr. TRAILL.—Your endowments may be one thing and your liberality another thing. I always thought it a very strange thing that the endowments should be confiscated because the charities were liberally managed in the past.

Rev. Canon JELLET.—What I would like to see done in this scheme would be to omit the word "Protestant" altogether, and to put in what we mean by the word Protestant, namely, "Church of Ireland."

1814. Lord Justice FRERGINSON.—But you have got a great many children of other denominations.

Rev. Canon JELLET.—Not very many, and I want

to provide for the future, to see that we are protected in time to come.

1815. Lord Justice FRERGINSON.—As regards the future, understand that as far as it is possible by law for arrangements to be made permanent these schemes are permanent. They are, when finally settled and approved of, the same as if enacted in a statute, but you cannot prophesy that another Act of Parliament may not be passed at any time to do anything whatsoever. Past experience would show that it is difficult to regard arrangements as unchangeable, but, short of an Act of Parliament, these schemes are final and permanent. Therefore, your guarding yourself against future change is providing against a thing that there is no possibility of guarding against at all.

Rev. Canon JELLET.—As nearly all the children are of one denomination, supposed to be all Church children, I want to have a definition or to have the word "Protestant" left out.

1816. Dr. TRAILL.—Do you consider that the omission of the word "Protestant" would carry out your views?

Rev. Canon JELLET.—I would like to see it omitted from the clause, for I consider it qualifies the word "school." To describe the schools properly I think it is necessary to omit the word "Protestant."

1817. Dr. TRAILL.—And to put in a statement of the fact that the endowments are for the members of the Church of Ireland, leaving the governing body the exercise of their own discretion in admitting children of other denominations.

Lord Justice FRERGINSON.—You cannot say that these were intended to be purely Church schools. There is no doubt at all that they were founded at a time when the parochial schools were a part of the general system of education in the country, and when the parochial schools were intended to take in all poor children, irrespective of religious denomination. But when they got the children in there was religious instruction given to them.

Rev. Canon JELLET.—As regards the boarding schools at least, the children were to be exclusively Church children, according to the foundation.

1818. Dr. TRAILL.—They were to be taken to the church every Sunday by the master.

Lord Justice FRERGINSON.—That is only as regards the boarding school. The children of the day school were not required to go to church.

1819. Dr. TRAILL.—They certainly were so required by the original deed.

Sir Andrew HART.—Canon Jellet does not want to exclude children of other denominations from the benefit of the schools. His desire is to receive them.

1820. Lord Justice FRERGINSON.—It seems to me Canon Jellet is going in two directions. He wants to keep the school open to children of all denominations, but at the same time he wants to make out that it is exclusively a Church foundation. If we were to lay down that it was exclusively a Church foundation, but that children of all sorts must be admitted, he would be involved in the difficulty that there would be a breach of trust if he spent any of the money upon objects which were not strictly within the scope of the original foundation. Make the governing body of your school as exclusive as you please, because the history of the case seems to render you entitled to do that; and then say that this body may educate such children as they may deem it expedient to admit to the school. But if you do that we must put in a conscience clause to be observed as regards children who are not of your own denomination.

Rev. Canon JELLET.—We are not bound to change the character of the school.

1821. Dr. TRAILL.—Have you not a National school there in connexion with the trust?

Rev. Canon JELLET.—No, we have not. I do not want to say to any children we won't admit you unless you are members of our Church.

7832. Lord Justice FRYGEMAN.—In the case of Mrs. Wray's endowment you could not do it, for her endowment was for all poor children.

Rev. Canon JELLET.—Yes, but I want to preserve the religious character of the schools without deviation from its original constitution.

7833. Dr. TRAILL.—You want to secure that the governing body be kept strictly denominational.

Rev. Canon JELLET.—Omit the word "Protestant" now, and put in "as the governors shall think fit."

7834. Lord Justice FRYGEMAN.—If we do that we must also put in a conscience clause as regards all children resorting to the school except children of your own Church.

Rev. Canon JELLET.—Very well.

7835. Lord Justice FRYGEMAN.—The one that is here now is the old National Board of Education conscience clause, that you are not to teach religion to children whose parents object. The existing conscience clause of the National Board is that you are not to give any religious instruction which is not sanctioned by the parents except in the case of Church children.

Lord Justice NASH.—It is not merely if parents object but you must obtain their consent.

7836. Lord Justice FRYGEMAN.—If you look at the school as in the position of an open school for all children, it ought to be open to them in all respects as laid down by statute for the National schools. What do you say, Sir Andrew; would that meet your view?

Sir Andrew HART.—I approve of the conscience clause.

Rev. Canon JELLET.—We never had a conscience clause up to the present moment.

7837. Dr. TRAILL.—What do you do with Jews and Roman Catholics?

Rev. Canon JELLET.—Are you bound to put in a conscience clause at all?

Lord Justice NASH.—We are not bound by the terms of the Act, but we have always done it as a matter of equity.

Rev. Canon JELLET.—In St. Peter's School the attendance of the children is voluntary.

7838. Lord Justice FRYGEMAN.—You may take either branch of the alternative. If you turn the school into a Church school you must adopt the conscience clause. If, on the other hand, you wish it to be kept as it always was, and as I think the trustees of the old endowment would have kept it, a school to which all children might go, you must take care that the children who choose to go there are children whose parents are willing that they should receive your instruction.

Rev. Canon JELLET.—I would wish to preserve the school in its old character.

7839. Dr. TRAILL.—It would be unreasonable to be obliged to ask the parents of every Protestant child to give their consent in writing. What you want is only the consent of Jews and Roman Catholics to your instruction.

Rev. Canon JELLET.—What would be the nature of the conscience clause that you propose to give?

7840. Lord Justice FRYGEMAN.—We will give you the National Board of Education clause, that Protestant children shall not attend the religious instruction if the parents object, and in the case of Roman Catholics and other children the sanction of the parents must be obtained.

Rev. Canon JELLET.—Suppose a child is a Presbyterian?

7841. Lord Justice FRYGEMAN.—Will you not recognize Presbyterians as Protestants?

Rev. Canon JELLET.—I will, to a certain extent, not to the extent that in the term "Protestant" as used fifty or one hundred years ago, Presbyterians are included. By the clause you suggest you will keep open the designation "Protestant" and not define the term.

7842. Lord Justice FRYGEMAN.—It includes Presbyterians.

Rev. Canon JELLET.—I would rather not have it so.

I would prefer that there should not be any other denominations mentioned than our own.

7843. Lord Justice FRYGEMAN.—If we adopt your proposal, when any child comes to your school, and is put down as a Presbyterian, you cannot give that child any religious instruction without a written sanction from the parents to give the child such instruction.

Rev. Canon JELLET.—I wish the Church children to be left together, and all others to be put in the same position as to religious education.

7844. Lord Justice FRYGEMAN.—What do you say upon this point, Sir Andrew?

Sir Andrew HART.—I would be willing to apply the principle of the National Board, that Protestants of all denominations who do not object may receive religious instruction in the school, and that Roman Catholics and Jews who consent to receive it must forward a certificate.

7845. Lord Justice FRYGEMAN.—Unless you have some special reason, Canon JELLET, for objecting, I do not see how you can effect what you want.

Rev. Canon JELLET.—We teach all children, but any person who objects we need not teach under the new rule.

7846. Lord Justice FRYGEMAN.—In the provision in clause 15 that "the Governors may, if and when they shall so think fit, remove any or all of the schools to some other convenient site or sites in or near the city of Dublin," you want that it should be in the parish of St. Peter.

Rev. Canon JELLET.—In the civil parish of St. Peter.

7847. Lord Justice FRYGEMAN.—What about St. Kevin's?

Rev. Canon JELLET.—That is part of the civil parish of St. Peter.

7848. Lord Justice FRYGEMAN.—In the same clause you want to omit the part beginning—"provided that no such removal shall take place," and ending "benefit of one or all of the schools." By that you are not at liberty to remove, let, or sell the premises without the sanction of the Commissioners of Charitable Donations and Bequests. You want to be able to do so without control.

Rev. Canon JELLET.—We do not want to be tied up.

7849. Dr. TRAILL.—What body would you like to exercise this control?

Rev. Canon JELLET.—I would prefer leaving the Governors of the schools unfettered.

7850. Dr. TRAILL.—There should be some body within your Church to see that things are kept right. Take the Synod of Dublin or the Representative Church Body. Would that do?

Rev. Canon JELLET.—I will take the Church Body as a smaller body and Representative.

7851. Lord Justice FRYGEMAN.—In clause 16 you wish to omit the word "Protestant." If your case is that this is a Church school, how is it that you want to leave the word Protestant out of your scheme?

Rev. Canon JELLET.—For the same reason that I said before. I do not want other churches to take our privileges from us. In all probability St. Peter's Schools will be placed under the National Board. It would be far better for the people of Ireland not to obtain free education, as a charge, however small it may be, makes the education be valued more than when it costs nothing. The regulation in our school has been that the children pay a penny a week, except very poor children.

7852. Dr. TRAILL.—You reduce the fee "if the Governors are satisfied that they are unable to pay the scholastic fee." Was that provision in your original deed?

Rev. Canon JELLET.—Poor children were free; their clergy recommended them.

7853. Dr. TRAILL.—Is it in the original deed that unless they are the children of poor parents they should pay?

Rev. Canon JELLET.—It was the rule, and we have

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no objection to that, provided that the word Protestant be changed.

7844. Dr. TRAILL.—I think you may put in the words of the original deed. The children were every one required to go to church with the master on Sundays, and not only those of the boarding school, but also those resorting to the day school.

7845. Lord Justice FITZGERSON.—The meaning of the thing is perfectly plain. This is a parochial school for the children of parents of all religious denominations, but they were obliged to go to church as part of the parochial system prevailing then.

7846. Dr. TRAILL.—It is now provided that "the governors shall permit the children of poor Protestant parents, resident in the civil parish of St. Peter, to receive elementary education in the daily schools at reduced fees, or free of charge, if the governors be satisfied that they are unable to pay the ordinary fees."

7847. Lord Justice FITZGERSON.—We ought not to put into the scheme anything that would enable the Governors of the schools to offer free education, or cheap education, as an inducement to the children of other religious denominations to come to the schools where they were not really objects of the endowment. That would be sanctioning a breach of trust, and also it would be open, in my opinion, to a charge of suggesting proselytism.

Rev. Canon JELFET.—I do not want the word Protestant in the schemes as liable to be misconstrued.

7848. Lord Justice FITZGERSON.—If you want to omit the word Protestant there, it would be better to say that the governors may permit poor children, members of their Church, "to receive elementary education in the daily schools at reduced fees, or free of charge."

Rev. Canon JELFET.—Very well; but if a poor Presbyterian child wants education I would not prevent it.

7849. Lord Justice FITZGERSON.—Then leave the word "Protestant" in the clause as it is.

7850. Dr. TRAILL.—Put the word "may" instead of "shall," and then put "the children of poor Protestants." Nobody will proceed against you for educating a Presbyterian free, for they do not want free education; they are always ready to pay for it. I think when the endowment specially mentions it that I would give them religious instruction, and not allow the liberality that was exercised in the past to be taken advantage of in a hostile manner now.

Rev. Canon JELFET.—The endowment is very small. It is a very small part of the foundation of the schools.

7851. Lord Justice FITZGERSON.—With which now will you agree—"The governors may permit the children of poor Protestant parents, resident in the civil parish of St. Peter, to receive elementary education in the daily schools at reduced fees, or free of charge, if the governors be satisfied that they are unable to pay the ordinary fees," or, "the governors may from time to time authorize the charge of such school fees as they may think reasonable, provided that, so far as the endowments will allow, the governors shall permit the children of poor Protestant parents resident in the parish of St. Peter to receive elementary education in the daily schools at reduced fees, or free of charge, if the governors be satisfied that they are unable to pay the ordinary fees?"

Rev. Canon JELFET.—I am satisfied with the latter form, but I want "may" instead of "shall." I want it to be a Church school.

7852. Lord Justice FITZGERSON.—The conscience clause will be, as already agreed to, that, in the case of Protestant children, they shall not give religious instruction in the schools if the parents object, and in the case of other children unless with the written consent of the parents.

Rev. Canon JELFET.—Omit the word "shall" and put "may" in.

7853. Dr. TRAILL.—And take out the word "Protestant."

7854. Lord Justice FITZGERSON.—Coming to clause 17, you want to take from the governors the control and management of the Sunday schools, and to provide that "the Incumbent of St. Peter's shall have the right of using for the Sunday schools, which according to the canons of the said Church it is his duty to maintain, such rooms in the school premises as he may think expedient, and the governors may give such pecuniary aid towards the maintenance of such Sunday schools as the funds will permit."

7855. Dr. TRAILL.—You do not want the governors to have any control over the Sunday school?

Rev. Canon JELFET.—No; it is provided for already by the canons of the Church.

7856. Lord Justice FITZGERSON.—The Sunday schools are open for parochial purposes. You have no objection, I suppose, Sir Andrew, to allow one of the buildings to be used on Sundays for a Sunday school, and for such other parochial purposes as the Incumbent may approve of.

Sir Andrew BART.—I have no objection.

Rev. Canon JELFET.—The Incumbent of St. Peter's parish has a right to the use of the building on Sundays and on any other day.

7857. Dr. TRAILL.—Why do you want to separate yourself from the governors?

7858. Lord Justice FITZGERSON.—We must get the use of the place for a school and we can put in, that on Sundays and at other times when the buildings are not required for this purpose, they may be used for such other parochial or educational purposes as the Incumbent of the parish approves of.

Rev. Canon JELFET.—Very well; that will suffice.

7859. Dr. TRAILL.—You stated at first, for Sunday school purposes; now you have limited it so that the governors cannot use it, unless such use is approved of by the Incumbent. The Incumbent should have complete and absolute control on Sundays, but on week days it should be under the control of the governing body of which he is a member.

Rev. Canon JELFET.—The governing body would never interfere.

7860. Dr. TRAILL.—If you want extra power for the Incumbent, well and good; but if you say that the governing body is not to act at all without the express permission of the Incumbent it will be a very curious state of affairs.

Lord Justice FITZGERSON.—Let me read this for you—"On Sundays the governors shall permit the school buildings to be used by the Incumbent for the purpose of a Sunday school, and at all other times when the said buildings shall not be occupied or required the governors may, with the sanction of the Incumbent, and subject to the other provisions of this scheme, use and permit the same to be used on such terms as they may think proper for such educational or other purposes as they may from time to time approve of."

7861. Dr. TRAILL.—The way in which you word it now would prevent the governors from using it unless the Incumbent permitted them.

Lord Justice FITZGERSON.—I think there is a good deal to be said in favour of giving a veto to the Incumbent on the one side and to the governors on the other. They may work well together. Nobody has objected to anything the Incumbent has done.

Dr. TRAILL.—I want to have them both perfectly free; give the Incumbent perfect freedom and give the governing body freedom also.

7862. Lord Justice FITZGERSON.—Is there any objection to letting the Incumbent have a veto as well as the others?

Rev. Canon JELFET.—I do not want to have a meeting held here for any purpose.

7863. Lord Justice FITZGERSON.—If the governors object the Incumbent cannot hold a meeting, and if the Incumbent objects the Governors cannot hold it. The result, therefore, will be that both must use the building only for the purposes for which it has been intended; but in one sense the Incumbent will be

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schools. We will draw the clause up in that form, and if you have any further objection when you see it you can let us know.

Rev. Canon Jellett.—Very well.

1854. Lord Justice FRYGROVE.—After clause 17, the next to which you take objection is clause 20. You want to alter it so that both parents shall be members of the Church?

Rev. Canon Jellett.—That is to prevent children of mixed marriages being admitted contrary to usage.

1855. Lord Justice FRYGROVE.—And what are the children of mixed marriages to do?

Rev. Canon Jellett.—There may be children of mixed marriages of Protestants with Roman Catholics. We do not want to take them into our schools.

1856. Professor DOUGHERTY.—Do you make it an offence for a member of your Church to marry a Presbyterian?

Rev. Canon Jellett.—No, we do not.

1857. Dr. TRAILL.—You do not prohibit mixed marriages?

Rev. Canon Jellett.—No, we do not, we have no power to do so.

1858. Dr. TRAILL.—Have you never taken as pupils children of mixed marriages?

Rev. Canon Jellett.—No free boarders, only children of members of our own Church.

1859. Lord Justice FRYGROVE.—Surely you have got children of Methodists or Presbyterians as free boarders?

Rev. Canon Jellett.—Never.

1860. Dr. TRAILL.—It was in the original deed that they should only be Church children.

Rev. Canon Jellett.—It is; they are to be Church children. As the clause now is people might think that it was the children of mixed marriages that were intended.

1861. Lord Justice FRYGROVE.—I agree with you that you ought not to expose yourself to any difficulty about mixed marriages with Roman Catholics, but at the same time it seems to me very hard that, if a Church widow is left with a child and her husband happened not to have been a Churchman, the child must get into the school. I think it would be a very great hardship to establish a rule by which such a child would be kept out.

Rev. Canon Jellett.—I do not want to make a distinction between Roman Catholics and others.

Lord Justice NAISH.—I think the practice up to the present has been so.

1862. Lord Justice FRYGROVE.—You want to omit section (c) of Clause 20, which requires that candidates should be present at the day of election, seen by the Governors present, and examined. I am in favour of the candidates going up the day of election, and that nobody be admitted until he or she has been seen by somebody representing the Governors?

Rev. Canon Jellett.—There is no objection that the children should be present before election—that the Governors should see them. But as regards competitive examination it is a different thing.

Rev. Godfrey Webster.—I think it is ignorant children that we should prefer to admit.

1863. Professor DOUGHERTY.—You need to ascertain their qualification for the reception of further instruction.

Rev. Godfrey Webster.—We do not object to that.

1864. Dr. TRAILL.—You do not require them to be examined before they come to you.

Lord Justice FRYGROVE.—To take in a stupid child means the loss of a child's education; if you take her into the boarding school, instead of letting her go to the daily school, you keep out a clever child.

Rev. Godfrey Webster.—Besides taking into account the examination and the results there are other considerations to be kept in view.

Rev. Canon Jellett.—I do not think it at all a fair

thing to establish that the boarding-school is to be open only to those who may have been strongly recommended to a governor.

1865. Dr. TRAILL.—This gives you a large privilege. You are to exercise your own judgment. The clause is framed to prevent jobbery. It is to prevent each person nominating a child in rotation. I do not think they should be seen by any other persons than the governors, but that they should be seen by the governors themselves.

1866. Lord Justice FRYGROVE.—They are to be admitted by a majority of the governors present and voting, and the names of such governors as vote are to be recorded in the minutes.

Dr. TRAILL.—If a governor is present and does not vote he has no right to be taken into account in the majority of the Board.

1867. Lord Justice FRYGROVE.—The difficulty is that if you have a meeting at which, say, three governors attend and one of them says he will not vote, the result is that two persons do the business. When a man attends a meeting he ought to do his duty.

Rev. Godfrey Webster.—Is its present form the majority might be ruled by the minority.

Dr. TRAILL.—Yes, if three do not vote and there are five there.

1868. Lord Justice FRYGROVE.—If there are six present and three of them do not vote can you say the majority have voted?

Rev. Godfrey Webster.—When they do not vote we cannot say that they are against it.

1869. Lord Justice FRYGROVE.—I think you would have all kinds of inducements held out to persons to decline to vote if they are allowed to decline voting when they attend. If they do not want to vote they should stay away.

Dr. TRAILL.—Where there is a large number it may not affect the matter if one or two decline to vote, but it makes a serious difference if the number be small.

Rev. Godfrey Webster.—If there are four present and only two vote they could not carry the question.

1870. Lord Justice FRYGROVE.—But if three of them have not made up their minds what is the result?

Rev. Godfrey Webster.—They should not be taken into account on one side or the other.

1871. Dr. TRAILL.—Suppose there are three present and that only one of these votes, and that two won't vote, the one carries it, I suppose, by a majority of one?

1872. Lord Justice FRYGROVE.—In clause 25 you want to omit the words "at each quarterly meeting" so that the governors should not be bound to examine into the condition and efficiency of the schools at stated times.

Rev. Canon Jellett.—I do not like requiring the governors to examine the schools at frequent periods; they will not do it often.

Dr. TRAILL.—But make them do it. Sure one of the things causing the springing up of abuses is that the governors will not take the trouble to do what is required of them.

1873. Lord Justice FRYGROVE.—They must once in six months look over their trust?

Dr. TRAILL.—Say once in three months, that is each quarterly meeting.

1874. Lord Justice FRYGROVE.—With regard to section 29, the Act of Parliament compels us to provide for the audit of the accounts. It is the Local Government Board which is empowered to appoint the auditor, and the governors are to pay the cost of the audit.

Rev. Canon Jellett.—We want the appointment to be by the Local Government Board or some other competent authority. We do not want to be bound to have their auditor, as not required by the act.

1875. Lord Justice FRYGROVE.—The Local Government Board are willing to approve a competent auditor other than their own officer.

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Rev. Canon Jellett.—The auditing of the accounts is an ordinary thing, and it has been done for us by Sir Andrew Hart for the last two years.

1886. Lord Justice FRYGROVER.—It is better let it be as it is provided in the Scheme. This is a clause which we have not changed in any case.

1887. Dr. TRAILL.—It is quite possible that the governing body might mismanage the affairs of the institution, and have a friendly auditor.

Rev. Canon Jellett.—It is not imperative in the Act of Parliament to appoint the Local Government Board.

1888. Lord Justice FRYGROVER.—No, it is the Local Government Board or other competent authority. If we altered the clause we should be obliged to define what the other competent authority was. We would have to say some society of scholars, or something of that kind.

Rev. Canon Jellett.—We have an honorary secretary, and an honorary treasurer, and all our immunities are above question.

1889. Lord Justice FRYGROVER.—How many years ago is it that you had six or eight months of trouble before you could get your accounts audited?

Rev. Canon Jellett.—It is very seldom that there is any delay. By this clause there would be a further expense involved for the payment of a secretary. We do not want a paid officer.

1890. Dr. TRAILL.—You are offered an outside body for the auditing of your accounts.

Rev. Canon Jellett.—It is not a large endowment.

1891. Dr. TRAILL.—The Local Government Board has to appoint an extra auditor to do all this work, and it is much better not to let the accounts be audited by a governor.

Sir Andrew Hart.—In preparing the accounts for the auditor's inspection it may become troublesome.

1892. Lord Justice FRYGROVER.—No account is worthy to be called an account if it is not in such a shape that it can be audited. Your accounts being in that shape you ought certainly to provide for an official audit. What do you say, Sir Andrew?

Sir Andrew Hart.—Though it may not be absolutely essential I suppose it would be more satisfactory to have it done.

1893. Lord Justice FRYGROVER.—In clause 31 you want to omit the words "a person holding any paid office or employment under the governors or entitled to any salary or emolument out of the endowments, shall be capable of becoming or shall continue to be a governor."

Rev. Canon Jellett.—It might be a question at some time in the future whether a paid officer may be also a Governor. It might be a possible thing that one of the clergy connected with the church should act as secretary or treasurer. We want to avoid misunderstandings that may arise hereafter in case they were not now guarded against.

1894. Lord Justice FRYGROVER.—That would be a case in which the secretary ought not to hold office under the Board.

Rev. Canon Jellett.—I would regard it rather as a sum paid for individual exertion in the work of the schools. I would not like that our hands should be tied up in such a manner as to prevent us from adopting a course that may hereafter be seen to be expedient.

1895. Lord Justice FRYGROVER.—Your hands would be tied only to this extent, that if the governors did resolve to pay a salary to a clergyman in respect of services rendered by him in connection with the schools, he should not be at the same time both paymaster and servant.

Rev. Canon Jellett.—In a scheme sanctioned by this Commission a person not an elected governor, is entitled to receive a salary, but if an elected governor he is not.

1896. Dr. TRAILL.—There is an example that hap-

pened the other day. At the Church of Ireland Training College £700 were voted away by a majority of one, that one being a paid officer.

Rev. Canon Jellett.—I think there are a good many paid officers in Trinity College who vote payments to themselves.

Dr. TRAILL.—Oh, that is a different matter altogether. They obtain their places by competition and are not elected by other governors.

1897. Lord Justice FRYGROVER.—The question is not whether you are to pay a salary, but whether the person who receives the salary is to be also a governor and have a voice in ordering the payments. If one of the estates is to be appointed chaplain ought he to be a governor too?

Rev. Canon Jellett.—I know several institutions in which both capacities are combined, and with advantage too.

1898. Dr. TRAILL.—I can give you an example in which it worked very badly. Look at Mercer's Hospital.

Rev. Canon Jellett.—There is for instance the case of Infirmeries, in which the doctors are paid for their professional services, and are also members of the governing board.

1899. Lord Justice FRYGROVER.—What do you say to this, Sir Andrew?

Sir Andrew Hart.—I would not like this clause omitted.

1900. Lord Justice FRYGROVER.—There is a difference of opinion between the lay members and the clerical members, and the Commissioners are unanimous.

Rev. Canon Jellett.—I am not sure of that. I do not see how they can be with their knowledge of Roman Catholic institutions.

1901. Lord Justice FRYGROVER.—You can sit down if you like. There are several cases in which part of the original terms of the foundation was to pay a salary to somebody who was also to be a governor. In such cases we have followed the will of the founder. But in these schools the governors ought not also to be paid officers. It would place you in a very unpleasant position to fill both capacities. Supposing a proposal was brought forward that a salary should be paid for the performance of certain duties, the particular person affected by the motion would not be disqualified until after it was carried.

Rev. Canon Jellett.—I cannot forget that the Irish Church is not now an endowed church, and there will be great difficulty in maintaining it. Even for the clerical staff of St. Peter's there might be a difficulty in keeping it up, and some aid derived in this way may be useful, and if it be not possible to give it inquiry may be done in the future.

1902. Lord Justice FRYGROVER.—I am afraid that the answer I would give as a layman to that argument is, that the best money that should be given to supply a parish curate is the money of the schools.

Dr. TRAILL.—Who should be interested in promoting the education of the children of the parish more than the clergymen?

Rev. Canon Jellett.—By the clause as it stands any person paid must cease to be a governor. The main provision for the school depends on individual exertion, not the endowment; thus the advisability of paying for aid.

1903. Dr. TRAILL.—You put him into a different position at once by the fact of making him a paid officer of the institution.

Rev. Canon Jellett.—How many schools are there conducted by Roman Catholic clergymen in which these who manage them are both governors and paid officers?

1904. Lord Justice FRYGROVER.—I don't know of any where they are paid out of the school funds. Now, in clause 34, empowering the governors with the consent of the Commissioners of Charitable Donations and Bequests to sell, exchange, let on lease, or

otherwise dispose of the lands and buildings in their control, you want to strike out the words "with the consent of the Commissioners of Charitable Donations and Bequests." I think this clause reasonable enough. We give you full power to dispose of your buildings so long as you do not take a fine. You cannot sell any of your own authority, and we have given you full power of letting.

Rev. Canon Jellett.—The reason we objected was that the interest of the charity might possibly suffer if we did not take the power into our own hands.

1913. Lord Justice FRANKLIN.—You seem not satisfied about the investment clause in relation to the Wray trust. You say that it is too wide. There is no substantial difference between your proposal and ours.

Rev. Canon Jellett.—It was our treasurer that drew that amendment up. If there is no difference there is no objection to the clause as it is at present.

1914. Lord Justice FRANKLIN.—The alteration would put you to all sorts of trouble about finding out whether dividends had been paid for three years on the ordinary stock. This is a matter that would involve the personal liability of the trustees.

Rev. Canon Jellett.—What we wanted was the power of investing in Colonial funds.

1917. Lord Justice FRANKLIN.—You seek a discretionary power to lend "on debentures or debenture stocks or guaranteed stocks of any railway company of the United Kingdom which shall have paid on the ordinary stock thereof for the three years at least immediately preceding such investment, or to lend the same on the security of sale of freehold property in the United Kingdom, or of rates or assessments levied by the Act of Parliament, or on the security of any of the investments before mentioned, or on deposit receipts of the Bank of Ireland, and to vary or charge all such investments at their discretion." We give a discretionary power to lend on debentures or mortgages but not on shares. The

Wray trustees want what we will give them, that no charge of investment should be made without the consent of the majority of the governors. We are really guarding you against yourselves. The Wray trustees say "We think that the powers of investment are too large, and in this also so far as relates to the Wray endowment we think that no charge of investment or new investment should be made without the consent of the majority of the Wray governors, and we think that the two funds should be kept distinct." That is a separate matter.

Rev. Canon Jellett.—Is there any objection to adopting this suggestion of our treasurer; he got it in some other deed.

1918. Lord Justice FRANKLIN.—Our clause is more general than yours, but we have deliberately refused in a great many cases to allow the governors to invest in shares at all—whether preference or not—on the general principle that trustees have no right to become partners. You have a right to lend your money, but not to become shareholders. Therefore we have not let in shares. The personal liability of the governors would be very considerable if they were obliged to see that the ordinary stock has paid dividend within three years.

Rev. Canon Jellett.—Railways are in many cases good investments.

1919. Lord Justice FRANKLIN.—There are many better companies than railway companies. You could, for instance, invest in Guinness's debentures.

1920. Dr. TRAILL.—In the case of debentures there is interest accumulative. This is not the case in regard to preference stock.

Sir Andrew Hart.—I think the debentures of a company might be considered safe.

1921. Lord Justice FRANKLIN.—In clause 40 you object to power to join a central governing body for the future management of the various educational endowments belonging to the church in the diocese of Dublin.

Rev. Canon Jellett.—Yes, I would rather not have it at all.

1922. Dr. TRAILL.—Suppose you found a scheme framed under the Act and constituting a central governing body for the management of the educational endowments of the diocese of Dublin worked satisfactorily, would you consider yourself justified in standing aloof? I want to give you power, with your own consent, at some future day to join the central body. The Cork people are much more sensible about this matter than you are here in Dublin, for the clergy and laity, especially the clergy, are in favour of such a project.

1923. Lord Justice FRANKLIN.—Under the 38th section of the Act, you can do this if the future scheme ever reaches maturity.

Rev. Canon Jellett.—The application must be with written consent.

1924. Lord Justice FRANKLIN.—Yesterday it was argued on behalf of the Commissioners of Charitable Donations and Bequests that every person interested should be permitted to apply for an alteration of the scheme. The great argument against us was that the Governors may become inefficient. Suppose the Governors of St. Peter's fall out amongst themselves, there ought to be somebody to apply for an alteration to set things right.

Rev. Canon Jellett.—The General Synod could do this.

1925. Lord Justice FRANKLIN.—The General Synod or the Representative Church Body, or the Diocesan Council.

Rev. Canon Jellett.—That is a small body.

1926. Lord Justice FRANKLIN.—Would you like to give the power to the Select Vestry of the parish?

Sir Andrew Hart.—I think the General Synod would be preferable.

1927. Dr. TRAILL.—We want to secure that if the governing body becomes inefficient, or if something has been left out which we cannot provide for now, there should be some competent body to arrange it. It would not do to appoint the Select Vestry for this purpose. You are better protected by the General Synod than you would be by a small body. The General Synod would not think of interfering unless there was a case of great abuse.

1928. Lord Justice FRANKLIN.—Will you give the power to the governors and the General Synod?

Rev. Canon Jellett.—I do not know whether it would be desirable to do so.

1929. Dr. TRAILL.—Would you say that the application ought to be carried by a vote of two-thirds of the governors?

Rev. Canon Jellett.—I do not think as a matter of fact that the question will ever arise. Still I would like to have the thing done in the best manner.

1930. Lord Justice FRANKLIN.—In clause 11 you want power "to continue the grants hitherto made to provide articles of clothing and bread for the poorer children attending the Wray school." You also want—which seems reasonable—to provide that the income of the Wray endowment be applied in the first instance for purposes of the Wray school; and you say you want that to be done in accordance with the opinion of the majority of the Wray governors and the incumbent of St. Peter's present and voting.

Rev. Canon Jellett.—Supposing the schools be put under the National Board, then a very large increase might be made in the infant school and the day schools, to make preparations for which money would be necessary. At present the Wray governors pay nothing at all for a very splendid room in their possession.

1931. Lord Justice FRANKLIN.—Who built this?

Rev. Canon Jellett.—This is a part of the large school, and I am not quite certain that it would be reasonable that all the income of the Wray school should be spent entirely and exclusively on the Wray school.

1932. Lord Justice FRANKLIN.—Only so far as it may be required. The Wray governors are three in

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number, and those of St. Peter's four. What they say is that they would associate the incumbent with them, and that there should be two Wray governors with the incumbent.

Rev. Canon Jellott.—I do not think this presents any difficulty, but I wish the matter to be understood.

7923. Dr. TRAILL.—Do you not want a preamble to this scheme, that the endowments are dealt with with your own consent?

Rev. Canon Jellott.—Yes, that we have agreed to.

7924. Lord Justice NAIRN.—Will you send us in a written consent?

7925. Lord Justice FITZGERSON.—The Act of Parliament requires a written consent to be given in all cases which are exempt. The Wray school is not exempt.

7926. Rev. Canon Jellott.—Would you modify the provision as to paid governors holding office?

Dr. TRAILL.—We had applications to do this very thing—to allow that persons should sit and vote in their own interest. It would be a most irritating thing for any governor to take part in a discussion and then walk out of the room, or sit down and see who it was that voted for or against him, in a matter personal to himself.

Rev. Canon Jellott.—He could act as visitor to the school, but not as governor.

7927. Lord Justice NAIRN.—It is impossible for us to allow it on general principles.

7928. Dr. TRAILL.—We have had some cases of great abuse in this respect. I have mentioned one already.

## TULLYVIN AND BENBAWN SCHOOL.

The Rev. Francis Alexander Sanders, Incumbent of Killesbarnady; Mr. Robert Good, Master of Tullyvin School; and Mr. G. A. McGusty, Solicitor, appeared.

7929. Lord Justice FITZGERSON.—The first objection is from Mr. McWilliam as representing the members of the Methodist Church in Cootchill and its neighbourhood who claim to have at least two representatives on the Board. Are there, Mr. Sanders, many members of the Methodist Body at Cootchill and in the neighbourhood?

Rev. Mr. Sanders.—There may be, but I do not know them.

7930. Lord Justice FITZGERSON.—Are there many Methodists in Tullyvin School, Mr. Good?

Mr. Robert Good.—There is one at present, my lord.

7931. Lord Justice FITZGERSON.—What is the largest number of Methodists you had at any time?

Mr. Good.—I think one family was all we had—four pupils.

7932. Dr. TRAILL.—How many Presbyterian families have you had?

Mr. Good.—I could not answer that question. We have always had a good many Presbyterians. At present we have four families of Presbyterians. We have only one Methodist boy at present.

7933. Dr. TRAILL.—Why is it that more Methodists do not avail themselves of the school?

Mr. Good.—Well, there are not very many Methodists in the neighbourhood.

7934. Professor DOUGHERTY.—Is there any substantial Methodist element in the surrounding locality?

Mr. Good.—There is a Methodist church at Cootchill.

7935. Lord Justice FITZGERSON.—The present constitution of the governing body is five churchmen to two others, so that you have a substantial majority. In your opinion would there be any objection if one in ten of the children attending the school were at any time Methodists that a Methodist minister should be associated as the Presbyterians are?

Rev. Mr. Sanders.—I think the Methodist element is so very small that it does not possess a claim to representation on the governing body.

7936. Lord Justice FITZGERSON.—But I do not propose bringing them in unless they have a number of children there that would form an appreciable portion of the whole school.

Rev. Mr. Sanders.—I do not think there were any Methodists in the school for a long period, and this Methodist boy that Mr. Good says is there now, comes from Cootchill, and has only been there or four months in the school. His family was not educated there in the ten years that I have been there.

7937. Professor DOUGHERTY.—How many pupils come to the school from Cootchill?

Mr. Good.—There have been always some; at some times more than at other times. At present there are only two, I think.

7938. Dr. TRAILL.—How far is the school from Cootchill?

Mr. Good.—It is two miles. We have twenty or more pupils from Cootchill sometimes.

7939. Dr. TRAILL.—Is the Methodist population of that part of the parish greater than at your call?

Rev. Mr. Sanders.—I think it is more in Ashfield parish than in ours. There are very few at the Tullyvin side; I am not aware in fact that there are any.

7940. Lord Justice FITZGERSON.—At the time that you had four Methodist children in your school how many children had you there altogether?

Mr. Good.—I think I would be safe in saying seventy.

7941. Lord Justice FITZGERSON.—Of those seventy how many were Presbyterians?

Mr. Good.—About fifty.

7942. Rev. Canon Jellott.—Will you allow me to ask was not the school always under the direction of the church?

Rev. Mr. Sanders.—It was.

7943. Rev. Canon Jellott.—What is the reason then of adding on the different denominations?

Rev. Mr. Sanders.—We did not add them on.

7944. Rev. Canon Jellott.—It seems to me that if a gentleman founded a school for the instruction of children, and that the governors have always been "Protestant," that is, "Church," the governing body should continue Irish Church.

7945. Lord Justice NAIRN.—I do not think you object to the Presbyterian representation?

Rev. Mr. Sanders.—No, we do not.

7946. Rev. Canon Jellott.—Would it be competent for them to appoint as head master to the school a person who was not a member of the Church of Ireland?

Dr. TRAILL.—The head master up to the present has been a Protestant. If they get a good master he must be principally elected by the Church people, for they have a majority on the Board.

7947. Lord Justice FITZGERSON.—What do you say about the representation of the Methodists? Is it better to let them go to the Privy Council?

Rev. Mr. Sanders.—I think it is an inefficient man in that part of the country.

7948. Lord Justice FITZGERSON.—Suppose it becomes at any time efficient by having a certain number or proportion in the school, do you think that it ought to have any representation?

Rev. Mr. Sanders.—"Sufficient for the day is the evil thereof."

7949. Lord Justice FITZGERSON.—What is the name of your parish?

Rev. Mr. Sanders.—Killesbarnady.

7950. Lord Justice FITZGERSON.—You have in the parish a population of which 2,900 are Roman

Catholics, 940 Protestant Episcopalians, 390 Presbyterians, and 65 Methodists.

Rev. Mr. Sanders.—You refer to the civil parish of Killesberony, which includes the district of Ashfield parish. In my parish of Killesberony, all counted, I have but 203 Protestant Episcopalians, and I am not aware that there are any Methodists, much less 65.

Mr. Good.—As far as my knowledge goes, my lord, there are not 65 Methodists there at all. In fact, I would find it difficult to point out a Methodist family during the last twenty years.

17931. Lord Justice FRYGIMON.—How far is Costello from you?

Rev. Mr. Sanders.—It is two miles.

17932. Lord Justice FRYGIMON.—And how far are you from Cavan?

Rev. Mr. Sanders.—Cavan is ten miles.

17933. Lord Justice FRYGIMON.—It is better for us to adhere to what the parties agreed to when we held a public sitting down there. You propose to limit your own power of giving instruction anywhere except at the Tullyvin school.

Rev. Mr. Sanders.—On that neighbourhood. Some children may come to the school from Ashfield, which was originally a part of the parish.

17934. Lord Justice FRYGIMON.—This is a very large sum of money, and it has occurred to us that the master did not intend it to be strictly locally applied, for he gave part of the bequest for "board and lodging at a moderate rate contiguous to such school for Protestant children whose own residence should be too distant from thence to allow their daily attendance at such school."

Rev. Mr. Sanders.—Tullyvin reached to more than five miles away. The people living at Tullyvin would find it very hard to send little children five miles to school every day. When the Hon. Henry O'Brien was incumbent they got up a school in the other part of the parish, 2½ miles away from Tullyvin school, and that was the cause of their originally making provision for board and lodgings near the school.

17935. Dr. TRAILL.—There is a reservation in the will that "one-third of the number of children so to be supplied and instructed should be the children of persons who were tenants on the estate," so that two-thirds should be Protestant children not necessarily children of those persons who were tenants on the estate.

Rev. Mr. Sanders.—Coming from a distance and coming from a place ten miles distant are two different things. Cavan is ten miles distant.

17936. Dr. TRAILL.—The will does not say anything against their coming from a distance of ten miles.

Rev. Mr. Sanders.—Cavan is ten miles distant. If some of the endowment was spent on children going to school in Cavan, I do not see how it would do any good to the inhabitants of the estate of the late William Meade of Tullyvin.

17937. Dr. TRAILL.—The endowment was not restricted by him to the inhabitants of the estate.

Rev. Mr. Sanders.—The inhabitants of the estate and of the neighbourhood.

17938. Lord Justice FRYGIMON.—No, it was not restricted to the neighbourhood. It was for the education and instruction of Protestant children at or near Tullyvin, and to pay for the board and lodging of such children of Protestant parents as resided at too great a distance.

Dr. TRAILL.—The school was to be at or near Tullyvin, but the children might come from any distance.

17939. Lord Justice FRYGIMON.—What we wanted to do for you was this—that if you had a good school at Tullyvin, which you are bound to keep in any case, and that there was a better high-class school at Cavan, you should have the power of doing what the testator appointed, to send the Tullyvin children there and to pay for their education at the Grammar School in Cavan or any other part of the county.

Dr. TRAILL.—You are at present supplied with a very good schoolmaster, who gives the boys a high education; but suppose you had a master that could not do so, suppose Mr. Good left you and you had another, you might find it well to be able to send the pick of the children to the boarding school at Cavan. That would not apply at present; but supposing Mr. Good was promoted to the school at Cavan, it might be well to be able to exercise that power.

Rev. Mr. Sanders.—Then you would fritter away the endowment from the place it was intended for.

17940. Lord Justice FRYGIMON.—So long as it is the opinion of the governors that the school is adequate to the wants of the community they need not exercise that power. At present you have the services of a very efficient head master, but if Mr. Good were appointed by the Cavan Board to be the head master at Cavan, surely the better way for you would be to be in a position to send your advanced boys to Cavan, and not to keep them in this part of the country.

Rev. Mr. Sanders.—I do not know.

17941. Lord Justice FRYGIMON.—We are giving you the power of doing it. You have a most useful piece at present, because Mr. Good manages it in the way he is doing.

Rev. Mr. Sanders.—We know, for instance, that if we appointed a National schoolmaster there the result would not be the same.

17942. Professor DEVENPORT.—You are not compelled to put the school under the National Board or to pay money outside Tullyvin. All you get is power to be exercised only when you may find it expedient to do so, and I think it is useful for you to have as wide powers as you can possibly take.

Lord Justice NALAN.—And to place the children out to board if you find it necessary.

Rev. Mr. Sanders.—Under what plan would those children be under the control of the governors if they were sent to Cavan?

17943. Lord Justice FRYGIMON.—That would depend on the regulations the governors might think it expedient to make. As long as fear of them are of opinion that it should not be done it could not be done. If you had a good classical school in the town of Cavan, and wanted to send some of the Tullyvin children to it, it may be a desirable thing to be in a position to do so.

Rev. Mr. Sanders.—The same rule would hold if we sent them to England or Scotland. It would not be carrying out the purposes of the endowment.

Dr. TRAILL.—But you need not do it if you do not like.

17944. Lord Justice FRYGIMON.—I think it is carrying out the testator's will, for he speaks of children from a distance getting the benefit of education.

Dr. TRAILL.—He designed part of the endowment for children coming from a long distance to be educated.

Rev. Mr. Sanders.—Not to be educated elsewhere.

Dr. TRAILL.—But that depends upon the Board having the services of a good master. If anything happened to Mr. Good, or if he got a good school elsewhere at a larger salary, how would you have a chance of getting a master that would combine teaching the classics with his other duties?

17945. Lord Justice FRYGIMON.—The proposal we originally had to deal with was a proposal by the Commissioners of Education to amalgamate you with the Caryfort and Eymourstown endowments.

Rev. Mr. Sanders.—The necessity for doing so may never take place, but one has to look out for the future, and guard against any danger that may arise.

17946. Lord Justice NALAN.—It leaves the exercise of the power in the hands of the governors, who are the best body to judge of the desirability of resorting to that power.

Lord Justice FRYGIMON.—I think it is a great pity for you to tie your hands. We are really guarding you against yourselves.

Jan. 18, 1888.

Jan. 29, 1888.

Rev. Mr. Sanders.—I know that the other governors are against it.

1957. Lord Justice FRYGIMON.—The provisions of the trust give power to the trustees to apply a part of the endowment "to pay for board and lodging at a moderate rate contiguous to the school for Protestant children whose own residence should be too distant to allow their daily attendance at the school." As Tullyvin is situated at present there is no suitable lodging to be obtained in the neighbourhood, and Mr. Good has taken them into his part of the house and boards and lodges them himself. If you had another master who had not a wife capable of taking care of the boys their parents would not have sent them and your school would not be so well attended. Nothing could be better than the present arrangements.

Rev. Mr. Sanders.—Still I think, my lord, we cannot consent—we are not obliged—to expend the endowment at any great distance. If you send it out ten miles you may send it out 300 miles.

1958. Lord Justice NASH.—If you wish to do it yourselves.

Rev. Mr. Sanders.—But we are not to legislate for ourselves only, but for those who may succeed us as well.

1959. Lord Justice FRYGIMON.—It is perfectly plain, if you look at Cavan as a place of education, that you are not likely always to have in Tullyvin the same provision for teaching that you have at present, and that you may want a good school for Protestant boys in Cavan. You should therefore be able to send Tullyvin boys to a good school in Cavan similar to the one you have now in Tullyvin, which might possibly be kept in Cavan. So long as you are of opinion that it ought not to be done it cannot be done.

Rev. Mr. Sanders.—The present governors think that it ought not to be done.

1970. Lord Justice FRYGIMON.—Therefore it will not be done. What do you say, Mr. McGusty?

Mr. McGusty.—I know that the governors do not wish that their successors should have the power of doing it. What they fear is that their endowment might go to the Royal School in Cavan.

1971. Professor DOUGHERTY.—How can it possibly go to the Royal School in Cavan?

Mr. McGusty.—Speaking for themselves it would not, but their successors might not be so careful as to part with it.

1972. Dr. TRAILL.—But if their successors did that it would be in accordance with the conviction of the whole neighbourhood, and why not do it if it turns out to be the best thing to do?

Mr. McGusty.—These things are generally done by eliques.

1973. Dr. TRAILL.—But this is an elected body, and all eliques may be knocked on the head at the next election?

Rev. Mr. Sanders.—I do not think I have authority to consent.

1974. Lord Justice FRYGIMON.—It is not a question of consent, it is a question of doing what is best. You come here under the impression that by this scheme you should have to transfer the whole of this endowment to Cavan. If we take out those words that frighten you, and put in plainly, the scheme enables you to pay for the better education in the Royal School or elsewhere in the county Cavan of children belonging to Tullyvin, provided you see fit to do so. I think you are frightened by an unusual interpretation of the clause. You have got £3,000, and it is a pity to spend the whole of that £3,000 at a small place like Tullyvin on one school.

Rev. Mr. Sanders.—Two schools.

1975. Professor DOUGHERTY.—Supposing you had promising boys, and wished to give them a good intermediate education.

Rev. Mr. Sanders.—We do that now.

1976. Professor DOUGHERTY.—They go to the Incorporated Society.

Rev. Mr. Sanders.—They go to Santry and to Trinity College, and become men in life; and it is not only that the thing is possible, but it has actually taken place in very many cases.

Rev. Canon JELLET.—The Incorporated Society are not justified according to the charter in allowing the boys of Tullyvin to compete for scholarships. I do not see that a boy able to pay for board in Tullyvin is to be allowed to compete for scholarships.

1977. Lord Justice FRYGIMON.—I may tell you now that before you come to that conclusion you ought to go and see the Tullyvin school. It is the best and cheapest education, and the most substantial board we saw anywhere for the money.

Mr. Good.—I think it is hardly fair, my lord, when a man can pay for his son one year to see, to assume that he can pay for him during three years in Dublin.

1978. Lord Justice FRYGIMON.—What do they pay you?

Mr. Good.—They pay me £20 for one year. If a man can pay me £30 I think that does not prove he can pay three years' expenses in Dublin.

Rev. Canon JELLET.—I agree with you.

Mr. Good.—I have sent a letter to the Board to explain the circumstances.

1979. Lord Justice FRYGIMON.—Mr. McGusty, do you think we could make it clear on the face of this scheme that the education to be provided at Tullyvin may, if the trustees think it desirable so to do, be supplemented by their paying for the education of the children in any other school within the county Cavan. Then you see if they are able to send a dozen children to Cavan it will be a great support to the Cavan school, and get better teaching for the children than at Tullyvin.

Mr. McGusty.—It would be a great benefit that they should have the power, but the governors think they are bound by the terms of the will to maintain the education at Tullyvin.

1980. Lord Justice FRYGIMON.—The will actually provides for children from a distance?

Mr. McGusty.—That is merely to give them board and lodging at Tullyvin.

1981. Lord Justice FRYGIMON.—But now the circumstances are changed, and the Tullyvin children might get education better in Cavan.

Mr. McGusty.—The trustees think that they would not be carrying out the intention of the testator if they allowed that.

1982. Lord Justice FRYGIMON.—If they think so they would not do it. We will try to alter the wording of it, but I think, Mr. Sanders, that it would not be reasonable for you to object to a discretionary power to spend this money for your own children in Cavan.

Rev. Mr. Sanders.—I am only a representative. If I had authority to do that—

1983. Lord Justice FRYGIMON.—It is not a question of authority; but we will take the responsibility of proposing it to the Privy Council.

Mr. McGusty.—The governors discussed it before.

Professor DOUGHERTY.—Yes, but they discussed the question under the impression that the whole endowment might be taken away from Tullyvin. If we make it clear that that is impossible I think the trustees may change their views.

1984. Lord Justice FRYGIMON.—You want to leave out clause 10. That power to place the schools under the National Board of Education is discretionary also.

Rev. Mr. Sanders.—They think that it is removing the government from one body to another—that it is removing to the National Board the power of governing the schools.

1985. Dr. TRAILL.—The National Board would not have the control of the school at all. All the control they would have would be to pay the money.

Rev. Mr. Sanders.—Are you to give the money to the National Board of Education?

Dr. TRAILL.—No, but they are to give money to you, and not to interfere with you.

1793. Lord Justice FRYGROVE.—We will leave out this clause that you object to, and keep in clause 11, which enables you to take aid whenever you can get it, including the National Board.

Rev. Mr. Sanders.—I do not see any objection to that.

1794. Lord Justice FRYGROVE.—The next thing to notice is that Mr. Good, naturally enough, has been alarmed at its being suggested that his boarding system might be interfered with. Ought we not to put in for him that he should continue to hold his emoluments and have his right of receiving boarders on the same terms as if this scheme did not pass.

Rev. Mr. Sanders.—The only objection we have to boarders is the deficiency of accommodation. If the accommodation was a little larger there would be no objection.

1795. Lord Justice FRYGROVE.—What do you say to the wish of your testator, who says that you were "to oblige and pay for board and lodging at a moderate rate contiguous to such school, for Protestant children whose own residence should be too distant from thence to allow their daily attendance at such school."

The last objection is with reference to applications to the Commissioners of Charitable Donations and Bequests for alterations. You want this to be on the joint application of the governors and the Diocesan Council. There is no objection to that, in case the governors feel satisfied.

Rev. Mr. Sanders.—Yes.

1796. Mr. Good.—My Lord, may I ask just one question. There is a clause in the scheme which says that two of the governors are to visit and inspect the schools once a month. Does that mean that they are to visit and inspect my private apartment? One of them is under the impression that it is part of his duty

to go in and inspect my bedroom every time he comes. Jan. 18, 1888.

1797. Dr. TRAILL.—Who is that?

Mr. Good.—One of the governors said to me that he considered it was part of his duty under clause 14.

1798. Dr. TRAILL.—Are not your premises part of the school of which they are trustees? It is a permissive thing allowing you to have boarders there.

1799. Professor DOUGHERTY.—Is it the frequency of the visits that you object to?

Mr. Good.—I object to gentlemen walking into my bedroom.

1800. Dr. TRAILL.—You have no right to object. The house is not yours, it is the property of the governors.

Mr. Good.—Is the house not mine as long as I keep the school?

1801. Lord Justice FRYGROVE.—I am afraid that every schoolmaster's residence is liable to visitation.

Mr. Good.—Then I do not hold it on the same terms as I did.

1802. Lord Justice FRYGROVE.—I think if you try to keep out a trustee it may be a very serious matter for you. If any of the governors caused any unpleasantness the other governors would not allow it. But every man who is in a position, such as a schoolmaster is, is liable to be visited at reasonable times. Now, Mr. Sanders, how often do you visit the school?

Rev. Mr. Sanders.—I visit once each week generally, to catechise the children.

1803. Professor DOUGHERTY.—You do not make a minute inspection, I presume?

Rev. Mr. Sanders.—No, I do not.

Mr. Good.—He never went into my private bedroom, unless there was some sick person that he wanted to see.

Rev. Mr. Sanders.—Whenever I did I saw everything clean and nicely arranged.

#### THE BERTRAND FEMALE ORPHAN SCHOOL.

John T. Henderson, Esq., q.c.; Henry T. Din, Esq.; Rev. Hamilton Mages, D.D.; Rev. J. M. Hamilton; Rev. Morgan W. Jellott, D.D.; and James Shaw, Esq., B.A., appeared.

1797. Lord Justice FRYGROVE.—In the case of the Bertrand Female Orphan Schools there are several amendments suggested to the draft scheme. We will first take those proposed by the trustees. They propose to adopt the principle of co-optation, instead of election by the Diocesan Council or the Presbytery, and they propose to fill any vacancy that may occur in their body in the manner provided in the scheme acted by the Vice-Chancellor.

Rev. Canon Jellott.—The objection we have to this part of the Commissioners' scheme is, that the manner of filling up vacancies was settled in the Vice-Chancellor's scheme, and we do not see any reason for altering that mode.

1798. Lord Justice FRYGROVE.—It appeared in evidence at our sitting when the original formation of this body was considered before the Vice-Chancellor, it was proposed that there should be three gentlemen nominated by the Presbytery, and three by the Church, and that these six names were to be submitted to the Vice-Chancellor out of which he was to select three governors; that three Church representatives were nominated, but the Presbyterians, instead of nominating any one, appealed against the distribution of the members between the Church and the Presbytery; that the three who had been nominated by the Church were appointed by the Vice-Chancellor, but no Presbyterians at all. When it went to the Court of Appeal which then consisted of two judges, the members of the Court were equally divided, one judge being in favour of the Presbyterians' appeal, and the other against it, and the result was that no order was made.

Mr. Henderson, q.c.—Lord O'Hagan ultimately coincided with Lord Justice Colvile. I was present at the judgment. I first heard Lord Justice Christian give his judgment in favour of the Vice-Chancellor's

scheme, and Lord O'Hagan then said that there was no use in his giving judgment as he differed from Lord Justice Christian.

Mr. J. J. Shaw.—The Lord Chancellor said that he would like to modify the scheme of the Vice-Chancellor, but that as Lord Justice Christian differed in opinion from him he thought it best to agree with him.

Rev. Dr. Mages.—Do they oppose or are they now opposing the recommendation of the governors themselves to name a board to this Commission, as recorded in our minutes of the meeting to which they were invited?

1799. Professor DOUGHERTY.—What was the recommendation?

Rev. Dr. Mages.—The Governors of the Bertrand Female Orphan School were summoned, and a special intimation was put in the notice paper to consider your scheme.

Rev. Canon Jellott.—The governors, when the matter came before the Commissioners, were all opposed to any change. I may mention that Mr. Pennfather declined the proposed change so much that he has resigned being a governor.

1800. Professor DOUGHERTY.—Did those gentlemen object to the draft scheme because it is not in accordance with the scheme of the Vice-Chancellor?

Rev. Canon Jellott.—Yes.

1801. Professor DOUGHERTY.—Are they satisfied that the Vice-Chancellor's scheme is in accordance with the will of the founder?

Rev. Canon Jellott.—Yes.

1802. Lord Justice FRYGROVE.—We cannot concur in that view. It appears to me perfectly clear that the testator in making his will put the ministers of Mary's Abbey and the incumbents of the two parishes on the same basis. The ministers have been out of

Jan. 26, 1862.

Rev. Canon Jellett.—I think the Presbyterians believe that Mr. Peter Bertrand was a Presbyterian and made his will in the form that he has done in the interests of the Presbyterians.

8003. Professor DOUGHERTY.—You do not contend that Peter Bertrand was a member of your Church?

Rev. Canon Jellett.—I do.

8194. Professor DOUGHERTY.—On what ground?

Rev. Canon Jellett.—I will give you the extracts I made myself from the parish books—

"17th April, 1785.—At a vestry duly called and held for said parish, the Rev. Mr. Curran, Minister, chose for churchwarden, Mr. William Johnson, and the vestry chose for churchwarden, Mr. Peter Bertrand. William Johnson and Peter Bertrand resided office on the 2nd February, 1786, and also at the Easter vestry in 1787."

8003. Professor DOUGHERTY.—Might I ask whether every person who was churchwarden in those days was necessarily a member of your Church?

Rev. Canon Jellett.—There was a provision made that if a churchwarden was selected who was not a churchman, the other churchman might act, but in this case Peter Bertrand, as I show you, acted as churchwarden, and if he acted as churchwarden he must have been a member of our Church.

8004. Lord Justice FITZGERSON.—What is to be considered as what he said in his will—that Messrs. McDowell and Horne, Ministers of Mary's Abbey, and the Ministers of St. Werburgh's and of St. Peter's and their successors to the end of time were to be trustees. Nothing will persuade me that when writing these words he did not regard Messrs. McDowell and Horne and the others mentioned in his will as being all of them persons who were to have successors to the end of time. The term used was a technical expression, and, consequently, the successors of two of those ministers have been put out. I think the scheme ought to be so made as to carry out the intention of the founder.

8007. Professor DOUGHERTY.—It appears at the face of it that the testator's intention was that there should be equal representation on the governing body.

8008. Lord Justice FITZGERSON.—That the two Presbyterian ministers, Messrs. McDowell and Horne, were not put on two ministers is a point on which the view that has been taken was founded. I must say I would have concurred in the view of Lord O'Hagan.

Mr. Shaw.—On the matter of Peter Bertrand being a Presbyterian, we have evidence that at the time Peter Bertrand made his will he was a pew-holder in Mary's Abbey Presbyterian Church. We have an old book of Mary's Abbey Presbyterian Church in which Peter Bertrand appears as a pew-holder from the 1st January, 1803, to the 11th January, 1805, so that at the date he made his will and the date he died he was a pew-holder in Mary's Abbey Presbyterian Church.

8009. Rev. Canon Jellett.—Then you say he went back of his old faith.

Mr. Shaw.—I say that at the date he made his will and at the date he died he was a Presbyterian, attending Mary's Abbey Presbyterian Church.

8010. Lord Justice FITZGERSON.—In his will he described Messrs. McDowell and Horne as the ministers of Mary's Abbey. Is it not clear that he intended the two ministers of Mary's Abbey and the two incumbents of the parishes to be governors of the school?

Dr. TRAILL.—He gave a further direction that this place was to be built, if possible, within the parish of St. Nicholas Without.

8011. Lord Justice FITZGERSON.—I am not speaking of that now.

Rev. Canon Jellett.—Those two gentlemen, Messrs. McDowell and Horne may have been friends of his, and he only intended them to be governors during their lives; afterwards they were not to be succeeded. I merely mention this as a view that has been held.

Mr. Henderson, Q.C.—We do not object to the constitution of the Board as at present proposed, but to the mode of election that keeps the nomination in the hands of the Diocesan Council and the Presbytery.

8012. Professor DOUGHERTY.—Are we to understand that the existing governors do not object to the draft scheme as regards the constitution of the governing body?

Mr. Henderson, Q.C.—As regards the present representatives put on the Board.

8013. Lord Justice FITZGERSON.—You want that they should have the power to co-opt when vacancies occur?

Mr. Henderson, Q.C.—Yes.

8014. Lord Justice FITZGERSON.—Co-option here is practically when the vacancy falls one denomination in a minority. The co-opting body will always include a majority over the denomination in which the vacancy exists.

Mr. Henderson, Q.C.—The new governor must be of the same denomination as that in which the vacancy takes place.

8015. Lord Justice FITZGERSON.—Yes, but you want to have a person of a particular religious denomination appointed to represent that denomination, by an election at which the other denomination would be in a majority.

Mr. Henderson, Q.C.—Of course he must be qualified by being a member of that denomination in which the vacancy is? Where the governors are restricted to appointing a person of a particular denomination they must do so.

8016. Lord Justice FITZGERSON.—There is no instance in which we have formed a co-opting body so small. It becomes a sort of family business. It is not satisfactory to any one. The denomination who are to be represented would not feel satisfied.

Professor DOUGHERTY.—The scheme is drawn on the principle that we have adopted in a great many other cases of a similar nature.

Mr. Henderson, Q.C.—It is a very small body and there are many changes in this proposed scheme that we object to.

8017. Lord Justice FITZGERSON.—Remember on the other hand, that if the property had been held after property you would have an enormous income from this endowment. The Fortbellio property ought to be worth some £2,000 or £3,000 a year if it had been managed differently from what it has been.

Rev. Canon Jellett.—Mr. Magee voted most readily the other day in favour of the plan proposed.

Professor DOUGHERTY.—I think it probable that he did not understand its practical application.

8018. Lord Justice FITZGERSON.—The testator himself wanted to have Mary's Abbey, St. Werburgh's, St. Peter's, and St. Nicholas Without, connected with this place. If we could bring in the representative bodies of these Churches it would be better. I do not like to have so small a number of persons choosing their own successors. Past experience shows very clearly that they are liable to fall into inefficiency. In this particular case nothing can be worse than the history of this charity.

Rev. Canon Jellett.—But not since the governing body was elected.

8019. Lord Justice FITZGERSON.—But the original governors named by the testator were intended to apply the endowment to advantage.

Mr. Henderson, Q.C.—That did not come into operation as regards the school until all the legacies fell in.

Rev. Canon Jellett.—Ever since that the school has gone on exceedingly well.

8020. Lord Justice FITZGERSON.—The school has been admirably managed, but it is not at all as big as it might have been if the estate had been better managed in the past.

Mr. Shaw.—As to co-option, the view Presbyterians take is this, that if a Presbyterian governor dies his successor will be elected by a majority of the Board.

Jan. 26, 1858.

of a different denomination. They, of course, are bound to elect a Presbyterian, but there are Presbyterians and Presbyterians. A great many who call themselves Presbyterians are so only in name, and take no warm interest in the Church or its concerns, and are on the high-road to another Church. We strongly object to such persons being chosen as representing the Presbyterian Church. We strongly object to any body consisting of a majority of another denomination electing a Presbyterian representative.

8029. Dr. TRAILL.—But in a body where they are to pull together afterwards is it not a very important thing to secure harmony in the body, that the person who comes in as representing the Presbyterian Body should have a voice in choosing the governors belonging to the Church Body, and, on the other hand, that the representatives of the Church Body should have a voice in electing the representatives of the Presbyterian Body who would belikely to work harmoniously with them?

Mr. Shaw.—I have no doubt whatever that the Presbyterian gentlemen in electing their representative would give a good deal of consideration to the opinion of the other members of the Board.

Professor DOUGHERTY.—Have we not the admission that the present selection is a most admirable one?

Mr. Henderson, q.c.—The choosing of the gentleman who would be co-opted would always be left to the Presbyterians when the vacancy to be filled was a Presbyterian one, and similarly in the other case.

8030. Lord Justice FRASER.—Then it becomes co-option by an individual. It seems to me that there is a most insuperable objection to have such a small body appointed by co-option, especially when it is a co-option by the majority of the other party. The best course would be to require the representative to be chosen from outside, and to give you the power of co-opting in case of failure to do so within three months.

Rev. Canon JELLET.—There are three governors who are not co-opted; why not leave the rest so?

8031. Lord Justice FRASER.—We think that some direct connexion should be preserved with the religious denomination which it is to be represented.

Mr. Henderson, q.c.—Is it necessary that they should be nominated by external bodies?

8032. Lord Justice FRASER.—Past experience shows that mere co-option is not enough to secure efficiency.

Mr. Shaw.—It opens the door to jobbery.

8033. Professor DOUGHERTY.—Besides that it may give you inefficient governors whom you cannot get rid of.

Rev. Dr. MOSES.—We thought the method of co-option would be the more simple course to pursue on the occurrence of vacancies, but I do not think there will be any difficulty in adopting any solution you think desirable.

Mr. Shaw.—If once a co-opting body begins to decline in efficiency it goes on in that direction, because they co-opt men or had on themselves.

Professor DOUGHERTY.—We have had evidence that it is a most unsatisfactory system.

8034. Lord Justice FRASER.—We ought to give them power to co-opt when the religious denomination to be represented fails to appoint.

Dr. TRAILL.—There might be a very efficient man who would not be elected on this plan by either of these bodies, but that you might elect by co-option.

Mr. Henderson, q.c.—Suppose it was this way, that we should nominate to the vacancy with the sanction of the denominational body.

8035. Dr. TRAILL.—Send three names to them, do you mean?

Mr. Henderson, q.c.—No, but nominate.

Mr. Shaw.—Would not that throw an invitation on the representative body?

8036. Lord Justice FRASER.—There might be a

power given to the governing body to send forward three names from which either the Diocesan Council or the Presbytery should make the appointment, or in the event of their having reason to object that they might require other names to be sent to them. That would secure some sort of supply from outside.

Mr. Henderson, q.c.—The only objection to that is—why would not one name be enough?

8037. Lord Justice FRASER.—If you only send one, the invitation is refusing to accept him. If you send even two names you lessen the likelihood of that course being deemed necessary. There are many precedents for three names, and there are great advantages in it. If you send up three names you are almost certain to give satisfaction.

Mr. Henderson, q.c.—That will meet my view.

8038. Professor DOUGHERTY.—The scheme provides for the periodical retirement of the persons who are elected as governors. That does appear to me to be an extremely valuable provision, for a governor who becomes inefficient may be easily removed. Now under the proposal that you make you do not provide for that difficulty, and practically a person, once he is admitted remains on the Board no matter how inefficient he may become.

Rev. Canon JELLET.—The other day Mr. Pennedather resigned.

Professor DOUGHERTY.—But suppose he did not resign?

8039. Lord Justice FRASER.—The names should be suggested in the first instance by the people who are to be worked with. Then the controlling body may say "we will not have any of these, send us other names."

Rev. J. M. Hamilton.—We would have no difficulty in getting suitable persons, but we might have a great difficulty in objecting to unsuitable persons.

8040. Dr. TRAILL.—That would not apply if three names are sent to you.

Rev. J. M. Hamilton.—It might.

Rev. Canon JELLET.—The governing body should be a body that would not harmoniously.

8041. Lord Justice FRASER.—We have never adopted pure and simple co-option, and we are warned against it by previous experience. On the other hand there is great difficulty in sending one name for approval. I think it would be well that in any case those two bodies which are bodies of authority—the Diocesan Council and the Presbytery—should have power to elect one representative; that they should send one man in from each side, and in the case of the others we might allow co-option subject to the sanction of those bodies.

8042. Dr. TRAILL.—I think these different bodies should elect one each or two each.

8043. Lord Justice FRASER.—I would not like any large number of the governing body to be sent in from outside, but I think that those two important bodies ought to have their representatives on the Board of Governors so that they could bring forward anything that the Diocesan Council or the Presbytery thought proper. Then comes the question whether the co-option of the remaining members ought not to be left to the two laymen, and the two incumbents of the Church, or the two Presbyterian Ministers in either case.

Rev. Canon JELLET.—The Presbyterians have not unduly interfered with the co-option of churchmen, and I think the church people would use the same forbearance.

8044. Professor DOUGHERTY.—There is just this important difference, that hitherto you have always had a fine working majority.

Rev. Canon JELLET.—Of course that may make a difference.

Mr. Henderson, q.c.—If there is a vacancy in our denomination the Presbyterians would have four votes, while we would have only three.

Rev. Dr. MOSES.—In the filling up of the vacant

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vacancy there would have been no election if we had not interfered. The election was made in fact by the Presbyterians.

8037. *Dr. TRAILL*.—And does your new member work well with you?

*Rev. Dr. HOGES*.—He works well with us.

*Dr. TRAILL*.—One denomination will not exercise the right of voting unless there is a difference of opinion amongst the others.

8038. *Lord Justice FRASER*.—What do you say to this suggestion, that there shall be one direct representative of the Diocesan Council, and one direct representative of the Presbytery. These may be nominated annually, the man that works will be put on again, and if he does not work another will be put on instead of him. When any vacancy takes place amongst the representative governors, those of the denomination in which the vacancy exists may unanimously co-opt, and in case of a difference of opinion amongst them the whole body may co-opt.

*Mr. Henderson, G.C.*—That would be very well.

*Mr. SLANE*.—The members of the Presbyterian Church here are willing to accept the suggestion, but they wish me to say that in the case of the other members of the Board they would rather not have it.

8039. *Lord Justice FRASER*.—In the other cases, if there is no appointment made within a certain time after a vacancy occurs the appointment should lapse to the Diocesan Council and to the Presbytery. That will entail a modification of clause 3. You cannot co-opt, and then get each other out of office. The nominated governors should be nominated *de anno in annis*. The co-opted governors will remain governors as long as they stand and remain members of the church, and clause 4 will be suitably modified.

8040. You want to strike out of clause 7 the words "and if there should be a surplus of the endowments, after maintaining such school to provide board and education for female orphan children in any other institution or institutions approved by the governors from time to time."

*Mr. Henry J. DIX*.—The Governors think that unnecessary, as it is provided in section (e) of the 8th clause that they are "to lodge, clothe, and maintain in the school as many female orphan pupils as the income of the endowments after payment of all other necessary outgoings, shall permit."

8041. *Lord Justice FRASER*.—You might with very great advantage get your children taught in a day school in the neighbourhood, and make this a boarding institution.

8042. *Professor DOUGHERTY*.—You might wish to give education of a higher class than you can give with your existing staff in the Boardman school.

*Rev. Canon JELFET*.—I do not see any objection.

*Mr. DIX*.—But our objection is that it would not be in accordance with the views of the founder of the school.

*Mr. SLANE*.—Having regard to the endowments and the accommodation of the school.

8043. *Lord Justice FRASER*.—You should first fill your school and afterwards use your endowments beyond that as you may think proper. You may enlarge your accommodation if you think proper to do so, or you may pay stipends for the children in other schools.

*Mr. DIX*.—But I thought we had not power to do that.

8044. *Lord Justice FRASER*.—We will give you a discretionary power to pay stipends for children elsewhere after you have kept the school full. Sub-section (f) was to enable you to give as a prize any a position in the classes at the Academy of Music or the Alexandra College, or places of that sort. The meaning of the clause is that for a child of 14 you can offer a prize in music a scholarship in the Academy of Music.

*Rev. Canon JELFET*.—I do not object to that, and

sub-section (A) too is proposed to be omitted but I thought it a good thing to have such power.

8045. *Lord Justice FRASER*.—What is your objection to clause 10?

*Mr. DIX*.—I think it is quite outside the scope of our powers under the will of the founder.

8046. *Lord Justice FRASER*.—Are you not getting money from the Science and Art Department?

*Mr. DIX*.—No.

8047. *Lord Justice FRASER*.—Have you not sent in your application?

*Mr. DIX*.—No.

8048. *Lord Justice FRASER*.—There are a great many things available that people connected with the management of schools do not know. We found at Shillbroom an upper school over a National school where they got £80 last year in results fees alone, by getting a master who knew how to teach chemistry.

8049. Clause 11 relates to external education. It cannot do any harm.

*Rev. Canon JELFET*.—I think not.

*Mr. Henderson, G.C.*—The 11th clause states that "they may discontinue or reduce the provision for employing resident teachers or giving instruction in the school as they may think fit."

8050. *Lord Justice FRASER*.—"To promote the education of the pupils."

*Rev. Canon JELFET*.—Stop there.

8051. *Lord Justice FRASER*.—Yes, the remainder would look like an encouragement to them to neglect the Boardman school.

*Mr. Henderson, G.C.*—It would.

8052. *Lord Justice FRASER*.—We will strike that out. Now as to clause 13 you have an objection.

*Mr. Henderson, G.C.*—The governors think that this clause in the old scheme would work in a much better manner—"that such pupil shall be elected by a majority of votes of the governors present at the meeting at which such election shall take place, and when any pupil is to be elected notice shall be given thereof in the summons convening the meeting."

8053. *Lord Justice FRASER*.—Under the existing rule you are bound to elect by a majority, but by a practice which we can probably not prevent you often carrying out, which is a convenience and nothing more, you make an arrangement that A.B. or C.D. is to nominate a child and nobody else is to be proposed against her. We certainly think that the persons who would have a claim for admission should know when an election is to take place. You can nominate when you like.

*Rev. Canon JELFET*.—The governors would not like to be convened morning, noon, and night by application.

8054. *Lord Justice FRASER*.—Your own rule provides that you are to give notice. All we want you to do is that before the election you shall prepare a list of the candidates so that everybody's name shall be before the governors at the time of making the selection.

*Rev. J. M. HENNINGTON*.—I remember some time ago when we could not find a Presbyterian child to be elected. Had the matter been before the public we might have had a candidate.

*Rev. Canon JELFET*.—Surely you could advertise to say you were anxious to get a child to be a candidate.

8055. *Lord Justice FRASER*.—We may modify your existing rules preserving the portion that we think ought to be unchanged, that is that such pupil should be elected by a majority of the governors present, and that when any pupil is to be elected notice shall be given and a list of the candidates prepared. If anybody has a child eligible they can then present her.

*Mr. Henderson, G.C.*—The objection is that when a vacancy exists it may be kept over for half a year.

8056. *Lord Justice FRASER*.—You want the whenever there is a vacancy you should be at liberty to fill it at once.

Jan. 22, 1888.

Mr. DIX.—Yes, it would be very inconvenient to postpone the election.

Rev. Canon Jellett.—I do not see myself any practical use in that. When a vacancy occurs a governor votes for the child he is interested in.

8057. Lord Justice FRYGESSON.—Surely if there is a deserving candidate she should have an opportunity of being brought before the governors.

Mr. DIX.—It often occurs that a very deserving candidate is not put in.

Dr. TRAILL.—Supposing a more deserving candidate comes before the governors should not they have the power of putting in that more deserving child? Such a child should be elected.

8058. Lord Justice FRYGESSON.—There ought to be no objection that the governors should have in their hands a list of all the children applying for admission, and it should be the business of the other governors to see that it is a deserving one which has been nominated, and that there is no other applicant on the list who is more deserving.

Rev. Canon Jellett.—That is not according to the present system of nomination.

8059. Lord Justice FRYGESSON.—The system of nomination is directly against the Vice-Chancellor's advice. It says that pupils shall be elected by the majority, and the way in which you do that is, by an understanding among yourselves that one governor is to propose a candidate and that the majority of the governors present are to vote for that candidate. We think you ought to have a list of all the candidates.

Mr. Henderson, Q.C.—I see no objection to that.

Rev. Canon Jellett.—I remember speaking to a governor of a school of high position upon this very thing. I said to him "at present you are entitled to only one-fourth of the nominations; you will be in the chair, and you may say that there is no doubt that A.B. and C.D. are the most eligible; thus you might have from your position not only one nomination but practically all the nominations."

8060. Lord Justice FRYGESSON.—The founder described the school as a school for female orphan children in the city of Dublin. There is another school in Dublin—the Blue Coat School, which is now open to all parts of Ireland, and no child can be even nominated unless he attends at the school on the day of election.

Dr. TRAILL.—As a matter of fact is the election of the governors made before they meet?

Mr. DIX.—No child has been elected who has not appeared before the governors.

Dr. TRAILL.—It seems a very hard thing to have these children, say, brought up and that their expenses should have to be paid.

8061. Lord Justice FRYGESSON.—No candidate should be declared elected unless first seen by the governors.

Mr. Henderson, Q.C.—That is our present system.

Rev. Canon Jellett.—I am afraid the governors do not always vote impartially.

Rev. Canon Jellett.—When a governor selects a candidate he is himself responsible that the candidate is a deserving one.

8062. Dr. TRAILL.—Would he go down to the society of Cork to see them?

Rev. Canon Jellett.—We have got enough of applicants in the parish of St. Peter.

8063. Lord Justice FRYGESSON.—You object to clause 18.

Rev. Canon Jellett.—St. Peter's school has a mixture of free boarders and paying boarders.

Mr. Henderson, Q.C.—If that were introduced it would in fact become not an orphan school at all. We consider such an arrangement as that to be quite inconsistent with the intentions of the founder.

8064. Dr. TRAILL.—Would it not serve the charity children, to have them mix with other children who are paying?

Mr. Henderson, Q.C.—I do not think it would.

Dr. TRAILL.—Charity children sometimes suffer from a brand which would be removed if you mix them with paying children. The children who have friends paying for them like those at Mercur's, are often men of the same class as the charity children.

8065. Lord Justice FRYGESSON.—Your house is too small at present. Suppose you got one of those large houses which are available at the other side of the town, which would accommodate thirty or forty children, you might give an enormous advantage to persons who could pay a little but who could not pay much, so long as you did not prejudice your first intention. Remember, Mr. Henderson, Eton and Harrow, which are chiefly paying places at present, include free pupils. You maintain children at £50 or £60 a head, but if you double the number you lessen the average cost, for the staff and establishment expenses are not proportionally if at all increased.

Professor DOUGLASS.—The atmosphere of a charity school is sometimes depressing, and it might be improved by the children mixing with paying boarders.

8066. Lord Justice FRYGESSON.—You propose to amend clause 19 by providing "that at all meetings of governors, subsequent to their first meeting, the chair shall be taken by the governors in a rotation to be fixed by themselves at their first meeting, but if the governor whose turn it is to take the chair at any meeting shall not be present at the hour for which the meeting is convened, or within fifteen minutes after the same, then the chair shall be taken by the governor next in rotation. The chairman shall in addition to his ordinary vote have a casting vote; all questions shall be decided by a majority of the votes of governors present, and for all purposes except the co-optation of a governor to fill a vacancy there shall be sufficient to form a quorum. The name of the governor to take the chair at the first meeting shall be drawn by lot from those present." This proposal that the chair is to be taken in a rotation to be fixed by themselves means waiting a quarter of an hour for the last man.

Rev. Canon Jellett.—There is no doubt that it is well to have a regular rotation of chairmen.

8067. Lord Justice FRYGESSON.—If you wish to have it, we will leave it as it is. Why do you want to strike out clause 20?

Mr. DIX.—The governors would prefer the action in the old scheme.

8068. Lord Justice FRYGESSON.—All these provisions about the governors we must settle by reference to their existing laws.

8069. Lord Justice FRYGESSON.—Does your secretary at present live in the school?

Mr. Henderson, Q.C.—No.

8070. Lord Justice FRYGESSON.—What has he to do?

Mr. Henderson, Q.C.—He has all the correspondence to attend to, and to keep the minutes.

8071. Lord Justice FRYGESSON.—It is better for you to have power to appoint a paid secretary.

Mr. Henderson, Q.C.—There is one clause in which it is stated—it is the latter part of number 21 "The governors may from time to time appoint a committee or committees consisting of any two or more of their number to visit the school to superintend and carry into execution any orders, rules, or directions of the governors with respect to the purposes of this scheme, or to manage such of the business of the school as the governors may deem it expedient to delegate to such committee or committees." That seems to imply that it is not the business of the governors individually to visit the schools. I submit that it is the duty of every one of the governors to visit the school occasionally himself, and that the duty should not be delegated to two to be selected by the governors for the purpose.

Rev. Canon Jellett.—In the Blue-coat School they appoint two governors as monthly visitors, but any governor can visit the school whenever he pleases.

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8072. Lord Justice FRINGEMAN.—There is a provision that the governors shall meet at the school once a month, and at such other times and places as they may from time to time appoint.

Mr. Henderson, Q.C.—That is merely a meeting for the business of the school; it is quite a different thing from going to the school for purposes of inspection.

Dr. TRAILL.—It is very important that two persons should be appointed as visiting governors from time to time, as there is evidence of the necessity of such inspections taking place.

8073. Lord Justice FRINGEMAN.—We can put in, what we have done in other cases, that it shall be the duty of the governors to satisfy themselves from time to time as to the state of the school; and then give the governors power to appoint two or more of their body to inspect and to manage such business as may be deemed to them. You must have a small committee to act from time to time.

Dr. TRAILL.—I want to guard against a sudden meeting being called in vacation time. Would it not be well to give six days' notice of the intention to hold a meeting?

Mr. Henderson, Q.C.—I think we might call a special meeting at three days' notice.

8074. Dr. TRAILL.—I think at least there should be six days' notice given, at all events in vacation time.

Rev. Canon Jellott.—To give notice in cases of emergency is what we want.

8075. Lord Justice FRINGEMAN.—We can require that any proceedings so taken shall be confirmed at the next monthly meeting.

Rev. Canon Jellott.—That will do very well.

8076. Lord Justice FRINGEMAN.—The 54th clause provides that the scheme may be altered from time to time by the Commissioners of Charitable Donations in any matter whatsoever upon the application of the governors, or upon the joint application of the General Synod and General Assembly, or of the Diocesan Council and Presbytery. The Commissioners of Charitable Donations and Bequests want to have the alterations open to the application of every body. Our intention is to give the governors power to have the scheme altered from time to time whenever they may find it necessary, but if they become inefficient that there should be some body over them to control them. But we could not allow any one body to come in behind the back of the others.

8077. Rev. Canon Jellott.—It was clearly the intention of the founder that the Incumbent of the parish of St. Nicholas Without should be one of the *ex-officio* governors.

8078. Lord Justice FRINGEMAN.—When the scheme was prepared to be laid before the Vice-Chancellor, it was found that the school could not be established in that parish. The scheme accordingly states "that the said school shall be called the Berward Female Orphan School, and shall at present be established at No. 11 Eccles-street, in the city of Dublin; that inasmuch as no suitable premises can be procured in the parish of St. Nicholas Without, and the said school cannot therefore be now conveniently established in the said parish, the Rector of the parish of St. Nicholas Without is not now appointed an *ex-officio* governor of the said school." In the draft scheme before us, the *ex-officio* governors are the Incumbents of St. Peter's and St. Werburgh's, and the Minister of Rutland-square Presbyterian Church.

Mr. Shaw.—In the case of there being two ministers the senior is *ex-officio* governor and the second is not.

8079. Lord Justice FRINGEMAN.—Would you then take out one of the Presbyterians representatives?

Mr. Shaw.—Oh, not at all; they would be unequal if you put in the Rector of St. Nicholas's.

8080. Lord Justice FRINGEMAN.—But should you not get a second representative minister when there are two officiating in the parish.

Mr. Shaw.—The testator named the two ministers of Mary's Abbey, but now there is only one for

Rutland-square. What I say is that we should have the two ministers on if the Rector of St. Nicholas's is, 8081. Dr. TRAILL.—Then you should drop one representative now. The will gives directions that the schoolhouse was, if possible, to be built in the parish of St. Nicholas Without.

8082. Lord Justice FRINGEMAN.—Perhaps Canon Jellott will tell us what is the parish of St. Nicholas Without.

[The Secretary produced a map and showed that the parish extended in the direction of Chancery-street and included Malpas-street.]

Rev. Canon Jellott.—Peter Berward was church-warden, and took an active part there as church-warden.

8083. Professor DOUGHERTY.—Can we ascertain the limits of this parish?

Rev. Canon Jellott.—Yes. Francis-street runs right through the middle of it. It extends from Francis-street to Patrick-street. It is bounded by Lower O'Connell on the other side. On the far side it runs through houses. So that practically you have the Coombe, Swift's-alley, Francis-street, Cambrin, Carran's-hill, Spidalsfeide, Mar's-alley, Pambin-street, and the big brewery.

8084. Lord Justice FRINGEMAN.—Is it not better for us to follow the words of the will and put on the face of this scheme that if the school is ever removed to the parish of St. Nicholas Without the Rector of that parish shall be an *ex-officio* governor.

Mr. Shaw.—What is the use of putting it in now it shall be removed; the representation would by that means be made unequal.

8085. Dr. TRAILL.—The will provides that there shall be an inequality in that case.

Mr. Shaw.—I know that perfectly well, but the principle of this scheme is that there are two equal bodies of trustees. You are now providing for a contingency that there shall be an increased body at one side.

8086. Lord Justice FRINGEMAN.—The will provides equality in every event except one. In that event it did not provide equality, but 3 to 2. That event is extremely unlikely to take place; but we want to follow the will by saying that if that event does happen the equality shall come.

Mr. Shaw.—I read the will differently from you; I read it that the minister of St. Nicholas Without or the Minister of St. Peter's was to be *ex-officio* governors according as the school shall be in one parish or the other, St. Peter's, or St. Nicholas Without. I think it is perfectly clear that there were to be two ministers of the Presbyterian denomination and two ministers of the parish church, and he goes on to mention two ministers, those of St. Werburgh's and St. Peter's, and then it comes to him that the school may not be in St. Peter's parish but in the parish of St. Nicholas Without, in which case the minister of St. Peter's was to be displaced by the minister of St. Nicholas's Without.

8087. Dr. TRAILL.—He gave directions in his will to look for a building in St. Nicholas's Without.

Mr. Shaw.—And in case they found a place in St. Nicholas's Without the Incumbent of St. Nicholas's Without was to be the governor, and the Incumbent of St. Peter's was to be left out.

8088. Dr. TRAILL.—He says "and St. Nicholas Without" not "or."

Mr. Shaw.—You must remember that it is the will of a man not accustomed to express himself in the English language at all, and if you only look at the meaning of the whole thing you must see clearly that his intention was that wherever the charity school is situated the Incumbent of that parish was to be a trustee for the time being.

8089. Dr. TRAILL.—That could not have been the case, because he mentions more than one parish, at any rate.

8090. Lord Justice FRINGEMAN.—If you look at

the will I think you will find that Messrs. McDowell and Horne, Ministers of Mary's Abbey Meeting House, have no local connexion with the school, and then he mentions the Ministers of Wexburgh and St. Peter's. These are all nominated, and you cannot deprive them of their tithes, and so far there is no local connexion between them and the school at all. Then he says "the Minister of St. Nicholas Without, if said charity school be in said parish," and then comes "and their successors to the end of time." Surely he meant to bring in the Rector of St. Nicholas and not to exclude the others.

Mr. Shaw.—As I understand it the man that made that will meant that it was to be a choice between the Ministers of St. Nicholas's Without and St. Peter's.

8091. Lord Justice FITZGERSON.—I do not think he intended to prefer the Minister of the parish of St. Wexburgh to the Minister of St. Peter's.

8092. Dr. TRAILL.—And the word "or" is not there. He does not say St. Peter's church or St. Nicholas's church, but St. Peter's church and St. Nicholas's church.

Mr. Shaw.—If it is insisted on that the Minister of St. Nicholas's Without is to be an ex-officio governor in case the school should be removed into that parish, I insist on the other hand that the two Ministers of Mary's Abbey, if there be two Ministers at any time, shall be also ex-officio governors.

8093. Dr. TRAILL.—Then you must give up one of the representative governors.

Mr. Shaw.—Not at all, that is the principle on which the scheme has been formed. The clause you keep to the will the better.

8094. Dr. TRAILL.—No, the scheme is formed on the principle of equality, in the event of its not being in St. Nicholas's Without and only on that case.

Mr. Shaw.—It seems to me to be very absurdly and very inaccurately expressed. It says there shall be three ex-officio governors and it immediately provides for four.

Rev. Canon JELLET.—I want to have the clause according to the intentions of the founder as well as I can.

Mr. Shaw.—The intentions of the founder were not respected hitherto, and it is well that they should be respected even now.

8095. Lord Justice FITZGERSON.—Suppose that notwithstanding our present amicable arrangement that the board should be equally divided between the Presbyterians and the Church people, there was a vacancy amongst the Presbyterian governors and the Church people voted to transfer the school to St. Nicholas's parish (although if they were only to look to the benefit of the school it is not the place they ought to take it to), the only way to prevent that effectually is to say that it shall not be done unless a certain number of the governors concur in it.

Rev. Canon JELLET.—Put in five, or whatever the number may be.

8096. Lord Justice FITZGERSON.—We will put in then that if the school be removed into the parish of St. Nicholas Without, the Incumbent of that parish shall be an additional governor, but that the school shall not be removed from its existing site without the consent of six out of the ten governors. I think that will satisfy the views of Mr. Shaw.

8097. Dr. TRAILL.—What about Mr. Shaw's suggestion that there may be two ministers for Mary's Abbey?

Professor DOUGHERTY.—Mary's Abbey was formerly a collegiate church, having two ministers of equal standing; but under existing arrangements it is impossible that that could occur.

8098. Lord Justice FITZGERSON.—There will be one representative from the Diocesan Council, and one from the Presbytery. They will be chosen de jure in canon, but eligible for re-election, but those co-opted by your own body will remain

on until they die or resign, or leave Dublin, or cease to attend for a whole year. It is better the different bodies should have the power of putting on their representatives every year.

8099. Dr. TRAILL.—The Diocesan Council is elected every three years. Does your Presbytery go out every year?

Mr. Henry.—The elders do, but the ministers do not.

8100. Dr. TRAILL.—Do you think your representatives should go out every year or every three years?

Lord Justice FITZGERSON.—If a man is efficient he will remain on, but at the same time I think the yearly election is a great deal safer.

8101. Rev. Canon JELLET.—Would he have to get a certificate of character?

Mr. Shaw.—One of the nominated Governors goes out every year. How are you to arrange who the one is to be?

8102. Lord Justice FITZGERSON.—We ought in your case to put down the last elected as representing the Diocesan Council. In the other case, representing the Presbyterians, Mr. Shaw will tell you the proposed representatives.

Rev. Mr. Hamilton.—They are the Rev. Hamilton Magee, Dr. Dunoon, Dr. Fraser, and Mr. Boyd.

Rev. Hamilton Magee.—The question is, which would retire? I think it would be the last on the list except an additional one was proposed.

8103. Lord Justice FITZGERSON.—In the other case we will put in the name of Mr. Robert Dumas. (To Canon JELLET.)—In regard to the apprentice fee, that is one of the things you wanted to alter, you wanted to get a certain sum fixed for apprentice fee.

Rev. Canon JELLET.—I am afraid the apprentice fee fund might come to be too small, and unless the fee was £30 we would not get a girl apprenticed at all.

Mr. Henderson, q.c.—The auditor appointed by the Commissioners of Charitable Donations required that the interest of the fund should be accumulated, which I don't think is the intention of the scheme.

8104. Lord Justice FITZGERSON.—There is nothing more impossible to fix than the amount of fees for apprentices. One year you may have none, and another year you will want to apprentice three or four. We should allow you to expend as much as you think expedient on the apprentice fee fund.

Mr. Henderson, q.c.—Yes, I think so. I think we should have a discretion to set it apart.

8105. Lord Justice FITZGERSON.—You have the existing fund to go upon, and can use it from time to time.

Rev. Canon JELLET.—I see that; but is there any provision made for the addition to that from year to year?

8106. Lord Justice FITZGERSON.—They can add to the apprentice fee if they wish.

Mr. Henderson.—I think it would be better to leave that to a resolution to apply funds for increasing the apprentice fee fund.

8107. Lord Justice FITZGERSON.—Then in regard to Divine Worship and religious instruction the members of each denomination should attend to their own children.

Rev. Canon JELLET.—Yes, I think so. That is, if they like.

Rev. Hamilton Magee.—I would leave that to the Governors.

8108. Dr. TRAILL.—It would be better to leave the Governors free.

8109. Lord Justice FITZGERSON.—In matters of this sort each denomination should regulate its own affairs.

Rev. Canon JELLET.—Yes, I think so. I do not wish at all to interfere with the decision of the religious societies of the Board on such a question.

8110. Lord Justice FITZGERSON.—The next is as to the election by open vote—that is, the next of

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election, and it is said—"It is suggested by the lay governors that it is inexpedient."

Rev. Canon Jellett.—I do not press that.

8111. Dr. TRAILL.—The episcopal governors are all clergymen. You have four clergymen out of ten governors.

8112. Dr. TRAILL.—I would not leave it to the clergymen to elect a layman. I do not object to leave the co-optation open.

8113. Lord Justice FRANKLIN.—Two laymen should be nominated, for you have a preponderance of clergy already. It is the intention that the co-opted governors should be laymen, but I think that the Diocesan Council should be free to co-opt, and the Presbytery in the same way.

Mr. Henderson, Q.C.—Why not leave them equal numbers of laymen and clergymen?

8114. Dr. TRAILL.—In the scheme here there are four clergymen and six laymen.

Mr. Henderson, Q.C.—Why not leave it so?

8115. Lord Justice FRANKLIN.—I would like to have your views on the subject. Are you in favour of leaving them as at present?

Mr. Henderson, Q.C.—Yes.

8116. Lord Justice FRANKLIN.—In the case of the Presbyterians there would be only one clergyman out of three.

Rev. Canon Jellett.—I am taking Dr. Traill's view—certain co-optation for a certain number, and leave it open for certain other cases.

Rev. Mr. Hamilton.—I think that a minister would attend to this work much better than a layman. I think that laymen should be elected, but I would like that they should be half and half.

8117. Professor DOUGHERTY.—I think it would be more desirable that clergy should be appointed.

8118. Lord Justice FRANKLIN.—I think of the co-opted, two at least should be laymen. That would secure four. You must then have four laymen, and you may have six.

8119. Dr. TRAILL.—And the Diocesan Council to be open to elect laymen or clergy?

Rev. Canon Jellett.—That is fair.

8120. Lord Justice FRANKLIN.—Now, the number of meetings proposed is one every month. You think one meeting every quarter should be enough.

Rev. Canon Jellett.—Yes.

Mr. Dix.—There might be a sub-committee appointed to meet once a month to look over the accounts.

8121. Lord Justice FRANKLIN.—It is better to leave it as it is. If you want the children to be properly treated you should have a meeting once a month.

### PHIBSBOROUGH SUNDAY AND DAILY SCHOOLS.

The Rev. N. W. Carr and J. W. Jennings attended.

8122. Lord Justice FRANKLIN.—I think there is a point raised about your jurisdiction.

Rev. Mr. Carr.—There is a legal question. I wanted to bring before you. So far as I see from the Act the endowments arising from voluntary contributions are excluded from your jurisdiction, and would appear to be outside it. An "endowment" is defined to be "any property devoted to charitable uses in education. The buildings of our schools were raised by 'voluntary subscriptions,' and, therefore, the fabric is in our view excluded from your jurisdiction.

8123. Lord Justice FRANKLIN.—The Act is not to apply to "endowments consisting of voluntary subscriptions or accumulations, or investments thereof." Buildings are not "investments;" besides that Mrs. Herbert gave her money by will.

Rev. Mr. Carr.—The second point we wish to submit is this. The draft scheme appears to exclude altogether the Chancery scheme settled for the charity in 1858 by the Lord Chancellor, and we are thrown back to the will of Mrs. Herbert, who provided for an exclusively Church charity, as she placed her bequest in the hands of two clergymen of the Irish Church, and directed that the chaplain of the Dublin Female Penitentiary was to have the sole charge of the religious education in the schools, and that the unexpended interest—not allocating any special portion—derived from her property should go to the chaplain, and, therefore, as Mrs. Herbert's bequest was by her will "in the management of one denomination," and for "the benefit of one denomination," it is excluded from your jurisdiction, but we may appear before you with "our consent" to get a scheme as far as Church school.

8124. Lord Justice FRANKLIN.—It is to be open to all boys and girls who are Protestants, and not to Church people only.

Rev. Mr. Carr.—That is the meaning of the word Protestant—Established Church. All others were called Dissenters generally, or by their special denomination.

8125. Lord Justice FRANKLIN.—There was an existing school at the time of the will. Were not the Phibsborough Sunday and Daily Schools then open daily schools?

Rev. Mr. Carr.—Her will directs that the school shall "be opened" under a Protestant master and mistress, and those who came there were aware that it was an exclusive school.

8126. Professor DOUGHERTY.—Is there any record of the school having been closed?

Rev. Mr. Carr.—No, and that is the difficulty.

8127. Professor DOUGHERTY.—She directed that they should be opened for boys and girls, but gave the money to the Phibsborough Sunday and Daily Schools.

Rev. Mr. Carr.—She directs them to "be opened," ignoring the previous existence of the school.

Lord Justice FRANKLIN.—Not ignoring the previous existence, but that the school should be opened to both sexes.

8128. Professor DOUGHERTY.—Was Mrs. Herbert a member of the committee of the school for years?

Rev. Mr. Carr.—Yes.

8129. Professor DOUGHERTY.—Were they conducted in her time on "the fundamental principle" stated in the original rules?

Rev. Mr. Carr.—I cannot say.

8130. Professor DOUGHERTY.—The original rule was that they were for the purpose of giving a united education to children of different denominations.

Rev. Mr. Carr.—Yes, and she rejected that and put in a clause of her own.

8131. Lord Justice FRANKLIN.—She desired by her will that the Phibsborough Sunday and Daily Schools, which was an existing building which children of different denominations attended, "should be opened for boys and girls, with a master and mistress, both Protestants, and that after the subscriptions should be collected the remaining necessary expenses should be paid out of the property in the hands of the trustees, after which the surplus was to be applied as a salary for whatever chaplain might be appointed to do duty at the Female Penitentiary at the North Circular road, and to give religious instruction at the said schools." She intended that the chaplain of the Penitentiary might be appointed to give religious instruction at the Phibsborough Schools, and accordingly he was invited to do so.

Rev. Mr. Carr.—It was always a boys' and girls' school, and she certifies it is to be open and signifies it is to be under that regime.

8132. Lord Justice FERGUSON.—It was not to be any new or exclusive regime. She says the clergyman is to get a salary and to give religious instruction.

Rev. Mr. CURRY.—I wish to put that forward as the second law point that we wanted to have decided. We did not understand when we appeared before you last time, that any question would be raised as to changing the management, and our committee wished the law to be made clear as to the working of the will, it was here before you in any way as you put aside the scheme which exclusively gave to the clergyman the religious teaching in the school.

8133. Lord Justice FERGUSON.—Not exclusively. The lady gave the money to be applied in the first instance for maintaining a school which was not an exclusively Church school, and she said if there is any surplus the chaplain of the penitentiary is to get it, but he may be appointed to give religious instruction in the school.

Mr. JENINGS.—The trustees of the lease were disinterested.

8134. Professor DOUGHERTY.—She endowed the school as it existed, an open school.

Mr. JENINGS.—She was a member of the committee of the schools, and belonged to the congregation of the institution. She gave the money to neither of the bodies, but gave the money with conditions, and we think that the spirit and words of the testatrix ought to be carried out in the scheme.

8135. Professor DOUGHERTY.—She gave the money for an institution with whose working she was familiar.

Mr. JENINGS.—She gave it to two institutions.

8136. Lord Justice FERGUSON.—In Master Litten's report it is stated that a Protestant master and Protestant mistress were to be engaged, but the appointment was not confined to any particular denomination of Protestants. The Holy Scriptures were to be read by the boys and girls judged capable. The chaplain of the Dublin Female Penitentiary, for the time being, was to be at liberty to give religious instruction in the schools, but subject to the approval of the committee as to the most convenient time for giving the instruction. It is an open Protestant school, in which a particular clergyman is to be at liberty to give religious instruction.

Rev. Mr. CURRY.—I think that the legal force of that is giving the power to one person and that all others are excluded.

8137. Lord Justice FERGUSON.—One person having the liberty does not exclude another. There was nothing to prevent the committee from permitting a Presbyterian clergyman also to give religious instruction, nor could the chaplain insist on all the pupils receiving his instruction.

Rev. Mr. CURRY.—This was for all Christian children, and we held that the school was an exclusive foundation.

8138. Professor DOUGHERTY.—What do you mean by exclusive?

Rev. Mr. CURRY.—That it was not for any child who would not read the Bible; the early reports give instances of such exclusiveness. Mrs. Herbert added a rule of "religious instruction" under an Irish Church clergyman.

8139. Professor DOUGHERTY.—Can there be anything more certain than that Mrs. Herbert was in agreement with the schools, inasmuch as she was a member of the mixed committee, and it was the rule that the catechism and religious formularies were to be excluded from the schools.

Rev. Mr. CURRY.—Yes, that is clear; and when she made another provision in the will she knew that she was reversing what she had been familiar with. She had been aware from the first of it.

8140. Mr. SLEW.—How did she reverse it?

Rev. Mr. CURRY.—By providing that a clergyman of the Irish Church should give the religious instruc-

tion there. He had the sole control of the religious instruction.

8141. Professor DOUGHERTY.—Not the sole control, the government was to make the arrangements.

Rev. Mr. CURRY.—Yes.

8142. Lord Justice FERGUSON.—Here are the plain facts from the report of 1859.—In 1859 in the boys' school there were twenty-five children on the roll, of whom nine belonged to the Church; four were Presbyterians and twelve were Independents. Therefore of the twenty-five male pupils nine only belonged to the Church. In the girls' school there were seven children belonging to the Church, and twenty-five Presbyterians or Independents, so that the great majority of the children were not Church children at all.

Mr. JENINGS.—That was before our scheme. The scheme came into operation in October, 1858, and that report was before it.

8143. Lord Justice FERGUSON.—The point is what this lady intended when she made the will.

Mr. JENINGS.—The scheme was not in operation at that time.

8144. Lord Justice FERGUSON.—Her intention was in operation when she made her will. This is not an exclusive endowment.

Rev. Mr. CURRY.—Then I rely on the 4th sub-section of the 7th clause of your Act—"It shall not apply to any endowment or part of an endowment (as the case may be) given to charitable uses."

8145. Lord Justice FERGUSON.—That relates to endowments given after the passing of the Act.

Rev. Mr. CURRY.—The third point I want to raise is on the 8th section—"Where any part of an endowment is an educational endowment, within the meaning of this Act, and part of it is applicable or applied to other charitable purposes." The will specially states that "the overplus" was for the minister appointed to do duty at the Dublin Female Penitentiary. That cannot come under your jurisdiction.

8146. Lord Justice FERGUSON.—We propose to preserve his rights.

Rev. Mr. CURRY.—The Chansey scheme directs that "the chaplain is to be at liberty to give religious instruction without the control of the managing committee." The will says that the salary is for "whatsoever chaplain may be appointed to do duty at the Female Penitentiary, and to give religious instruction in the schools." The services for which the salary is given are united, "the overplus" is variable, and the amount, whatever it might be, would be exempt.

8147. Lord Justice FERGUSON.—If you want us to go by the will you must take it in the entirety, and it gives nothing to the chaplain until all the expenses of the school are paid; but Master Litten's scheme provided that he should get £35 per annum. If he had gone by the will the chaplain would have got nothing since, through want of funds, the boys' school closed and the boys' and girls' schools amalgamated.

Mr. JENINGS.—It never ceased to work well; it was to save the funds that the schools were amalgamated.

Rev. Mr. CURRY.—The amalgamation was necessary, but temporary. We knew we had to go to the Vice-Chancellor to allow us to do so, but your Commission stopped us in the act. The amalgamation was the result of Master Litten, contrary to the will, assigning fixed sums to the teachers and to the chaplain. And I don't think the "intention of the testatrix" was to give the chaplain so much "a salary" for double duty as £25 per annum. The whole expense of the schools never reached £50 a year in Mrs. Herbert's time, and at that time with subscriptions not £35 but £50 would have come to the chaplain.

8148. Lord Justice FERGUSON.—The chaplain was to get nothing under the will until all the expenses were paid.

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Rev. Mr. Corry.—Well, the expenses never reached £50 a year when the master and mistress were paid.  
 8148. Lord Justice FERGUSON.—The schools were to be opened for both boys and girls under a Protestant master and Protestant mistress, and I don't think it possible that in Mrs. Herbert's or at any other time the salaries of both a Protestant master and a Protestant mistress and all the expenses could be defrayed for £50 a year.

Rev. Mr. Corry.—All the reports in existence state that as a fact.

8150. Lord Justice FERGUSON.—If you rely on the will now the chaplain would get nothing. The first charge under the will is to pay a Protestant master and a Protestant mistress, to maintain the school and pay all the expenses, and after that the chaplain is to get any surplus remaining. Master Litton thought that was not practicable, and he said—I will give the chaplain a fixed sum of £25 a year.

Rev. Mr. Corry.—The proportion derived therefrom, when so applicable, shall not be diverted by the scheme." That is the third point I wish to make. The draft scheme inserts a clause for possibly diverting one half the present stipend of the chaplain. That we hold to be *ultra vires*.

8151. Lord Justice FERGUSON.—The school as originally founded was open to all denominations of children willing to read the Bible, and the pupils were of various denominations.

Rev. Mr. Corry.—Including Roman Catholics.

Mr. Jenings.—The schools were not restricted to Protestants; they were and are open to all.

8152. Lord Justice FERGUSON.—Mrs. Herbert managed the school herself, and knew what it was, and she wished to extend the school and to open it under a master and mistress, and to have schoolrooms besides. She did not alter the character of the school, but she said if there was anything left after paying expenses the chaplain of the United Friends' Bazaar was to receive it as giving religious instruction to the school. Our duty is very plain. We will not divert any money you are in receipt of, you can keep the £25 provided by the scheme if you desire to have it in that way, and we will give it as a vested interest, but we thought we could do better for you under Mrs. Herbert's will, and we proposed that the chaplain should get more if the schools were first provided for.

Rev. Mr. Corry.—I think the Chantry scheme was not fair to the chaplain.

8153. Lord Justice FERGUSON.—Not fair to the chaplain so long as there were sufficient subscriptions to the school, but not fair to the school so long as there were not.

Rev. Mr. Corry.—Mrs. Herbert's will directed it so that it would be to the chaplain's advantage to get "sufficient subscriptions." The Chantry scheme altered that, and the schools could not be expected to win both ways—the greater portion of the trust money taken from the chaplain and increased subscriptions obtained by him.

8154. Lord Justice FERGUSON.—Is it not the fact that all the pupils, male and female, are now under the instruction of a single schoolmistress?

Rev. Mr. Corry.—Yes; since the year the boys' school was discontinued. The master became incapacitated, and we got him admitted to Simpson's Hospital, and then failed to get any efficient person for the stipend at our disposal, and as I have said, we were applying to the Vice-Chancellor for power to meet the altered circumstances.

8155. Lord Justice FERGUSON.—Now, compare it with its condition in former times.

Rev. Mr. Corry.—I will tell you what it was. When Mrs. Herbert was alive there were twelve children attending the school, and the old woman who taught them used to do the cooking at the same time.

8156. Dr. TRAILL.—Did she teach cooking?

Rev. Mr. Corry.—No, she did not. We were

working hard to get the school into a state of efficiency.

8157. Professor DOUGHERTY.—As a matter of fact, have you discontinued the boys' school?

Rev. Mr. Corry.—It is better now, as regards the number and efficiency of the boys.

Mr. Jenings.—We drafted young boys up to the girls' school. There were 37 in the girls' school then, and there are now 76 boys and girls.

8158. Lord Justice FERGUSON.—Can you say the amount of the voluntary contributions?

Mr. Jenings.—Only £15 was got in the last year.

8159. Lord Justice FERGUSON.—The schools have been chiefly maintained by the trust fund, and since 1881 the male school has been discontinued, and the male and female children are now instructed by one teacher, and the buildings were allowed to fall into disrepair?

8160. Mr. Jenings.—It was to save the funds they were discontinued. There is no school of its size or capability that stands so high, as a reference to Mr. Freeman's report will show. The school is working well, and buildings have lately been permanently repaired.

8161. Lord Justice FERGUSON.—But the trust is violated, for the boys' school is closed, and you have only a mixed school under one female teacher.

8162. Dr. TRAILL.—Have you any objection to the "Draft Scheme" as it stands?

Rev. Mr. Corry.—Certainly. In the first page—"maintained by voluntary contributions until after the date of the report hereinafter mentioned."

8163. Professor DOUGHERTY.—How would the school maintain itself from the date of the death up till the date of the report?

Rev. Mr. Corry.—From Mrs. Herbert's fund. Mr. Gibson Clerk went to the Court, and the accounts were passed. Master Litton passed the accounts.

8164. Professor DOUGHERTY.—Part of the maintenance would be the voluntary subscriptions which Mrs. Herbert contemplated in her will?

Rev. Mr. Corry.—No; for Mrs. Herbert and her heir died within the year. We further object to clause 3 on third page of draft scheme—"the school buildings have fallen into disrepair," &c. We think there is hardly justice done to us; that is, should agree that the schools got into a shocking state of disrepair and neglect, whereas the schools are in a high state of efficiency. Some of the best charges paid out of the Herbert trust fund, and passed by Master Litton, were for putting the schools into order. We kept upon old buildings at great expense, and it is in a better state now than before.

8165. Dr. TRAILL.—Have you any objection to the Governing Body as it stands?

Rev. Mr. Corry.—Whether the draft is presented, would follow upon the point we have taken up as to "consenting" to apply for a scheme for a Church school. You rule against us on that point. We object to the double representation, for we think there should be no such thing in the parish as making a division in the management.

8166. Lord Justice FERGUSON.—What way would you have the management?

Rev. Mr. Corry.—Just as it is.

8167. Lord Justice FERGUSON.—At present the lease is vested in a Presbyterian?

Professor DOUGHERTY.—The trustees of the lease, Lang and Macalister, were both Presbyterians.

Mr. Jenings.—I think you will find that the original trustees were Church people.

8168. Dr. TRAILL.—Who were the original trustees?

Mr. Jenings.—The Countess of Belvidere, Robert Hyndman, and Joseph Henry.

8169. Lord Justice NORT.—I believe the Countess of Belvidere was the daughter of a Presbyterian clergyman.

Mr. Jenings.—Yes, that is so, but it does not follow she remained a Presbyterian.

8170. Professor D. J. BETT.—Who was Joseph Henry?

Mr. Jennings.—He was a member of the Church.

8171. Lord Justice FRYGROVE.—We have the list of the original committee in the old papers. The original secretary was Mr. Robert Mansfield.

Mr. Jennings.—He was not the original secretary. The schools were started in 1832, and he did not join till 1837.

Mr. Stoen.—Robert Hyndman was a southolier in Mary's Abbey. On the 8th October, 1815, he paid "for a seat in Mary's Abbey 27 19s." He would not do that if he was a good Churchman. The Church was the daughter of a Presbyterian minister, and the property was assigned to Long and Mansfield, both of whom were members of the Presbyterian Church.

Rev. Mr. CURVE.—Those two were the representatives of the voluntary subscribers of other denominations who agreed to the alteration, and Mr. Mansfield spoke to me about it, as to the last approving of the alteration and acknowledging its necessity.

8172. Lord Justice FRYGROVE.—What alteration?

Rev. Mr. CURVE.—In putting it under a Church dispenation.

8173. Dr. TRAILL.—How long is it managed by you?

Rev. Mr. CURVE.—Fifteen years. It never was managed by anybody but the Church dispenation since the will of Mrs. Herbert.

8174. Lord Justice FRYGROVE.—Why would you let the Presbyterians have religious instruction?

Mr. Jennings.—It would be certain to lead to confusion, and we held that to do so would be contrary to the will and scheme.

Rev. Mr. CURVE.—I can testify that Robert Mansfield was the most earnest to put it entirely in my control. He urged it, and it was his wish that his family should not have trouble after his death. We have testimony of his wishes.

8175. Lord Justice FRYGROVE.—What do you propose as the governing body? It cannot go on as it is, in the present condition of the trusteeship.

Rev. Mr. CURVE.—We were going to get changes made.

8176. Lord Justice FRYGROVE.—What changes do you propose?

Rev. Mr. CURVE.—We wish to have the governing body elected according to the Chancery scheme. I think that was a proper one. We only want to get some changes in order that those who do not attend might be retired.

8177. Lord Justice FRYGROVE.—But the Chancery scheme has not worked at all well.

Rev. Mr. CURVE.—I would not like to put those out who did not attend. We did not know the legal aspect of the case.

8178. Lord Justice FRYGROVE.—One of the trustees, and the legal owner of the property, is living in England.

Rev. Mr. CURVE.—That was in consequence of death.

8179. Lord Justice FRYGROVE.—Look at your minute book, and you will see that for nine years, from 1873 to 1881, the governors never met; the funds were left in the treasurer's hands; in 1881 he returned the income as not having been spent to the expenditure, and claimed a balance as due to him.

Rev. Mr. CURVE.—Since my time of retiring on the committee we have regular work, and I attend every week to the schools.

8180. Dr. TRAILL.—What were the names of the managing committee at the time of the Chancery scheme?

Rev. Mr. CURVE.—That was before my time.

8181. Dr. TRAILL.—Were they Churchmen or Presbyterians?

Rev. Mr. CURVE.—There was one Presbyterian in my time.

8182. Dr. TRAILL.—Master Lister's committee consisted of the trustees of the will of Mrs. Herbert,

the trustees of the lease, and the existing managing committee, out of whom were to be selected the whole number of nine.

See 25, ante.

8183. Lord Justice FRYGROVE.—On December 27, 1872, trustees of the school fund were appointed. There was no meeting from that date until October 25, 1881. On the 11th July, 1882, you called on your treasurer to supply you with a statement of the income and expenditure in each year since he became treasurer. In September, 1882, he intimated to you that he had not yet been able to make out the accounts, and the audited account was not presented until September, 1883. From 1883 till 1885 there was no meeting, and then, when the trustees were thinking of taking proceedings in Chancery for an alteration of the scheme, on April 1, 1885, it was resolved that the dividend, rent, and balance in the treasurer's hands should be lodged in bank in the names of Mr. Jennings and Mr. CURVE, and all accounts paid by cheques drawn by them.

Rev. Mr. CURVE.—We worked as much as we could, and we wanted to get from you what we wanted from the Vice-Chancellor—that was power to retire the old committee men who would not attend; we took advice and tried to get them out, but we had not the power.

8184. Lord Justice FRYGROVE.—We have the power now, and we should be glad to know how you propose to appoint the governing body?

Rev. Mr. CURVE.—We want to have them elected year by year by subscribers, if there are any.

8185. Lord Justice FRYGROVE.—The subscribers amount to a very small sum. You have now no sufficient constituency of subscribers. You must get somebody to take charge of the property.

Rev. Mr. CURVE.—We want somebody to take charge of it.

8186. Lord Justice FRYGROVE.—Whom would you say?

Rev. Mr. CURVE.—If I had room for them I would wish a committee of the people who have been working there.

8187. Lord Justice FRYGROVE.—There should be some scheme, besides the present committee. There are people in your neighbourhood willing to take an interest in the institution. The Rev. Mr. Scott, for instance, the rector of the parish, is willing to take an interest in it.

Rev. Mr. CURVE.—We have no room to put them on now. When we got the first notice from you our scheme was that we had thirteen on the committee. When we got the Chancery scheme, we found that we had more than we had a right to. There are plenty, I believe, who are willing to act.

8188. Lord Justice FRYGROVE.—Mr. Black wants to retire, but we cannot let him out, as he is a trustee of the money, until the accounts are audited.

Rev. Mr. CURVE.—We want to have another trustee.

8189. Lord Justice FRYGROVE.—It is obvious that there must be some independent authority to look after the place, and not leave sight of it for nine or ten years.

Rev. Mr. CURVE.—It has been working well educationally.

8190. Lord Justice FRYGROVE.—It was working without any meetings being held, or any accounts being rendered, with the funds in the sole management of the treasurer, for nine years, and it is our duty to guard against that occurring again.

Rev. Mr. CURVE.—The interest of the fund was expended on the schools. When the boys' school was closed we were in debt to the treasurer. We want the power from you of appointing trustees without the expense of going to Chancery. We would wish, also, a yearly election of committee which would put over one body as intended by the testatrix. The fabric at present is condemned. The architect has looked at it, and, on inspection, he says it is not worth spending money on.

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8191. Lord Justice FERGUSON.—How many Presbyterians are there in the parish?

Rev. Mr. Carr.—Not many now.

8192. Lord Justice FERGUSON.—How many Church people are there?

Rev. Mr. Carr.—There are a good many.

Rev. Dr. Tait.—There are a large number of Presbyterians in the parish.

8193. Dr. TRAILL.—In what parish is the Female Penitentiary?

Rev. Mr. Carr.—In St. George's. The children come from different parishes.

8194. Lord Justice FERGUSON.—Do they come from the country districts?

Rev. Mr. Carr.—Some.

8195. Lord Justice FERGUSON.—Dr. Tait says that some of those attending the school are the children of Presbyterian workers in Mountjoy Prison?

Rev. Mr. Carr.—A few may be.

8196. Lord Justice FERGUSON.—And he says he regularly visits the school.

Rev. Mr. Carr.—Never; he may have done so once or so.

8197. Mr. Shaw.—He says he visits the school very frequently.

Rev. Mr. Carr.—I would like to know how often.

8198. Lord Justice FERGUSON.—Did he record his visits?

Rev. Mr. Carr.—He did, once. He went to see the little Finlaga, with whom he lodges, who are Presbyterians.

8199. Lord Justice FERGUSON.—What do you propose as to the governing body?

Rev. Mr. Carr.—To have room to put on a proper committee.

8200. Lord Justice FERGUSON.—We will give you any room you want.

Rev. Mr. Carr.—No; the room is filled up. We have on it Dr. Ferguson and a gentleman named Norman. We have asked them would they retire, and they gave no answer, and we were in a difficulty then. We could supply a committee from those who take an interest in the place, if they were elected annually.

8201. Lord Justice NAHER.—By whom?

Rev. Mr. Carr.—By those who are interested in the school.

8202. Lord Justice NAHER.—Do you mean subscribers?

Rev. Mr. Carr.—Yes, and others interested in the school.

8203. Lord Justice FERGUSON.—On April 1, 1885 at a meeting held at the residence of the Rev. Mr. Carr, the members present agreed to the discontinuance of the boys' school, as the funds were insufficient to pay a master, and proposals for alteration in the schoolhouse were discussed, but no further proceedings were taken to settle the matter.

Mr. Jennings.—Your Commission stopped us.

Rev. Mr. Carr.—We had a draft petition prepared for Chancery. I have the documents at home, and if I had thought of it I could have brought them.

Mr. Jennings.—The law is very slow. We could not have got the school into the state of efficiency it is if we had not been careful. We are most anxious to maintain it in a state of efficiency.

8204. Lord Justice FERGUSON.—The first thing is to see who is to look after it.

Rev. Mr. Carr.—Mr. Macalister wished us to look after it. Delay arose because a solicitor got his documents, and would not give them up.

8205. Lord Justice FERGUSON.—Are they documents belonging to the trust?

Rev. Mr. Carr.—I don't know.

8206. Lord Justice FERGUSON.—Have you got up your documents?

Rev. Mr. Carr.—Mr. Macalister died in the meantime.

8207. Lord Justice FERGUSON.—He was the last surviving trustee?

Rev. Mr. Carr.—Yes; he is only a short time dead.

8208. Lord Justice FERGUSON.—The first thing is to create by the scheme some representative and efficient body to look after the place.

Rev. Mr. Carr.—Mr. Macalister's wish was that it should be taken up by my congregation.

8209. Professor DOUGHERTY.—There is no doubt that it was not worked as well as it should be.

Mr. Jennings.—We maintain that it has been well looked after.

Rev. Mr. Carr.—We did the best we could.

8210. Professor DOUGHERTY.—Are the 60 children members of your congregation?

Rev. Mr. Carr.—Yes.

8211. Professor DOUGHERTY.—Are there any other Church children there?

Rev. Mr. Carr.—No; Mr. Macalister said as long as the school was in my name and the children were of my own congregation, the congregation would give it help. At his suggestion we formed a sub-committee, and collected money to enlarge and re-fit the place.

8212. Professor DOUGHERTY.—Have you a district assigned to your church?

Rev. Mr. Carr.—No; it is a congregation. We could elect a committee at the Vestry.

8213. Lord Justice FERGUSON.—Do the children come from Orangefordham or St. George's parish?

Rev. Mr. Carr.—Half and half.

8214. Lord Justice FERGUSON.—Have the Presbyterians disappeared altogether from the committee?

Rev. Mr. Macalister.—I made inquiry about the matter, and a near relative of the trustee's said that they were subjected to such annoyances that in fact they were practically shunned out of the Committee.

Mr. Jennings.—Mr. Macalister was the only Presbyterian I met on the committee, and he worked to the last most cordially.

8215. Dr. TRAILL.—Did the Presbyterians wish to have anything to do with the school?

Rev. Mr. Carr.—Mr. Macalister never gave a hint of the kind. His earnest wish was that I should succeed him as trustee of the fabric. That was the dying wish of Robert Macalister, the oldest friend of the cause, and his son, a representative, wrote consenting to facilitate our carrying out the project we had entered on with his father's approval.

8216. Lord Justice FERGUSON.—Have you anything to say on the subject, Mr. Shaw?

Mr. Shaw.—We are satisfied with the proposed governing body. We say that the school was clearly founded as a common school for Protestants, and maintained by subscriptions of Protestants of all denominations, and that the trust deed was made to Presbyterians, or at least there were Presbyterians named in the trust deed at first, and the majority of them were Presbyterians, and we think they are entitled to a representation.

8217. Dr. TRAILL.—Do you think that the trustees of so large a fund as Mrs. Herbert's should stand on an equality with the trustees of a site and a dilapidated building?

Mr. Shaw.—The school was formerly carried on under joint management.

8218. Dr. TRAILL.—Mrs. Herbert left it under the control of two Church clergymen.

Mr. Shaw.—It was to be a school conducted on non-sectarian principles.

Rev. Mr. Carr.—Originally, but it is now denominational by the will.

8219. Lord Justice FERGUSON.—In the original foundation, and in the will, and in the scheme there is a provision for reading the Scriptures, which Roman Catholics will not accept, but which all denominations of Protestants are entitled to receive. The will and the scheme and the original foundation all show, and the practice of the school, too, shows, that it is not exclusively for the Church of Ireland. We must try to give representation to both Presbyterians and Church

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people. We do not think of making the representation equal. We propose to give two representatives to the Church and two to the Presbyterians, that all members of the existing committee who really attend shall be on the first governing body, and that afterwards governors shall be elected by the subscribers to the school, if there are any. If not, then the Diocesan Council and the Presbytery may elect.

Rev. *Hamelin Mager*.—As to the population I know that there are a good number of Presbyterian families in the neighbourhood that a school of that kind would suit, and I believe that we would contribute to the success of the school if we had something to do with it.

8230. Lord Justice FRYGROVE.—We propose at first to have eight on the committee—six of the Church and two Presbyterians, and that the subscribers, if they bring in money, shall continue to elect representatives. If either the Church or the Presbyterians bring in all the money it ought to make the representation different. If all work together you will have one of each. I cannot see that it is an undue proposal.

Rev. Mr. Carr.—That possibly gives the power to others against me.

8231. Lord Justice FRYGROVE.—The subscribers will elect whom they please.

Rev. Mr. Carr.—But it gives a power to the Presbyterians.

8232. Lord Justice FRYGROVE.—There are only two representatives from each denominational body—the Diocesan Council and the Presbytery. We hope they will stir up the existing governors, whose minutes books show that although they may have had the best intentions they have not done as much as they ought.

Rev. Mr. Carr.—The draft scheme makes it possible that Presbyterians and others by a majority of subscribers might fill all the elective places with their own men. Oh, if there were no election, it gives the power to the Presbytery to elect half the Board. My school would be in a different position, for I call it mine for the last 15 years.

8233. Professor DOUGHERTY.—Way was that?

Rev. Mr. Carr.—You will have persons brought in having no interest in the place at all. Besides there would be conflicting interests if the parish and the Presbytery were represented on the governing body, which would prejudicially affect my school. On the one side there would be a drawing by the Presbyterians, who have a large school in Hardwicke-street. There also would be a strong interest in the parish of St. George's on behalf of the parish schools.

8234. Lord Justice FRYGROVE.—How is religious instruction given to the Presbyterian children attending the school?

Rev. Dr. Tait.—I think they have received no religious instruction, save, I suppose, from the Bible. I suppose Mr. Carr does not teach them the Catechism. We have a number of Presbyterian children attending the schools—six in all. I attend frequently there. There are six of the children, I am sure, going there who are Presbyterians. There are other children there of mixed marriages, largely composed of families of workers in Montjoy Prison. I do duty for my senior minister weekly there, and know the workers. The children in that school come to my Sabbath School. I get them to come to my Sabbath School in Abbey-street. I frequently call to them in the day school, and look after them, to show that I am looking after their interests. I have asked the teacher there, who is an elderly lady, did she know the number of Presbyterian children there, and she said "No." She does not enter the religious denominations. The last day I was there there were 25 children present, and there were six Presbyterians amongst those. The school is in a dilapidated state. We have, I would say, seventy Presbyterian children in the district who

pass that school and go to the Hardwicke-street School, for the people look upon it as a better school. I give religious instruction in Hardwicke-street.

8235. Dr. TRAILL.—Do the children pass the other school?—Yes.

8236. And come from a district beyond it?—Yes.

8237. Is that from Grange-gorman parish?—Yes.

8238. Aren't there only 63 Presbyterians in Grange-gorman parish?—There are a great many more.

8239. That is the census return?—We have a large number of Presbyterian families located in that district; and at the present moment I dare say I have 50 Presbyterians coming from a radius of from one-eighth to a quarter of a mile—taking that school as the centre—30 Presbyterian children coming to the Sabbath School in Abbey-street.

8240. Where are they educated on week days?—In Hardwicke-street, for they like it better.

8241. Would you wish them to cease going there, and to go to this school?—If this school were more efficient, I dare say that the parents would send them to the same.

8242. Is the Hardwicke-street School one of the best in Dublin?—It is.

8243. And would you recommend your people to send their children to this other school?—Yes, if the school were raised to a proper efficiency.

8244. Could you make the school to such efficiency as to induce the children to leave Hardwicke-street School and go to this?—No, I do not think so.

8245. Lord Justice FRYGROVE.—Mrs. Herbert gave a sum of about £4,000 to have a Protestant master and a Protestant mistress, and one of the schools is closed. Nobody ought to be satisfied with the work that this endowment is now doing.

Dr. Tait.—It is impossible that the present teacher could teach as well as is wanted.

8246. Lord Justice FRYGROVE (to Rev. Mr. Carr).—The first thing to determine is whether we have jurisdiction. We have ruled before, and rule now again, that the endowment is not exempt from our jurisdiction, but in re-opening it we will observe the intentions of the founders. We hold that it is not exclusively a Church school. It is not our opinion that the Presbyterians are entitled to equal representation, but they are entitled to substantial representation. We will give you time to call your committee together. Send in any proposal you wish for the formation of a proper governing body for the school, you are bound to provide for a Protestant master and a Protestant mistress, for the £4,000 is made available to keep not only one mixed school under a female teacher, but two schools under a master and mistress; and if you can provide for that, we will give your wishes the fullest consideration we can. Dr. Tait, has been calling attention again and again to the necessity of doing something for the school, and might be a useful governor. The clergyman of the parish, who also says that the school should not be left as it is, would be a valuable addition to the governing body.

Rev. Mr. Carr.—We have only about £70 to spend on the school.

8247. Lord Justice FRYGROVE.—You have an attendance which, with the £4,000, if this school were put under the National Board, would enable you to maintain a first-class teacher, you could have two schools, each under a salaried teacher of the first class, if you got an increase of some 10 or 15 pupils.

Rev. Mr. Carr.—You leave out about the Penitentiary.

8248. Lord Justice FRYGROVE.—The testatrix gave money to the clergyman of the Penitentiary, and desired that he should give religious instruction in the school, but that did not make it an exclusive school.

8249. Professor DOUGHERTY.—The Catechism and religious sermons were excluded.

The Commissioners adjourned.

Jan. 28, 1888.

## PUBLIC SITTING—SATURDAY, JANUARY 28, 1888.

At the Office of the Commission.

Present:—The Right Hon. Lord Justice FITZGERSON, and the Right Hon. Lord Justice NAIRN, Judges Commissioners; ANTHONY TRAILL, Esq., LL.D., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Secretary, WM. EDWARD ELLIS, Esq., LL.B., and the Assistant Secretary, N. D. MURPHY, JUN., were in attendance.

## LAUREL HILL SCHOOL, KILLOWEN.—OBJECTIONS.

Mr. George Smith.

Mr. George Smith, of the firm of Messrs. Crookshank Brothers and Lench, appeared on behalf of the Rev. Robert Kyle.

8240. Lord Justice FITZGERSON.—This objection, of the Rev. Mr. Kyle is a very small matter. What do you wish to say about it?

Mr. Smith.—Well, my lord, we have given in a notice of objection to the draft scheme on the part of the Rev. Robert Kyle. What he says is that the account was made out from a document which appears to have been since lost. The amount of that account is £232 12s. 7d., and he says that as far as £206 12s. 10d. is concerned, he should not be charged with it because it was for arrears which accrued during the lifetime of his predecessor, Henry Kyle. He therefore considers that he is not responsible for that sum. Besides that, he considers that there should be a qualification put in after the paragraph which states that "after payment of all expenses and outgoings, the further sum of £165 18s. 6d., accrued due on account of the said rent-charge of £50 during the time the school was closed as aforesaid after the death of the said Henry Kyle, and up to and for December 31st 1886, and the said sum of £30 12s. 10d. and £165 18s. 6d., making together the sum of £232 12s. 7d., remain due, owing, and charged upon the said lands of Tullyvarnah, on account of the said rent-charge to December 31st, 1886." He disputes any personal liability in respect thereof.

8241. Lord Justice FITZGERSON.—He is not personally liable, but he is in possession of the property on which the money is due, and it can be levied from him. He can be made defendant in a Chancery suit as trustee of the property. Whatever is his position, the land is liable to the rent-charge, so that I am afraid that his personal liability, distinct from his position as trustee, would not have any practical bearing on the matter.

Mr. Smith.—No doubt the lands are liable.

8242. Lord Justice FITZGERSON.—And there is no doubt that the lands are worth more than the £50 a year. We do not want to make him pay anything that he is not actually liable to pay; but it is quite plain that it is for his interest, as well as being our duty, not to leave the matter open to a suit by the Attorney-General.

8243. Lord Justice NAIRN.—When did Henry Kyle die?

Mr. Smith.—He died in 1876. The estate of Henry Kyle has been long since administered.

8244. Lord Justice FITZGERSON.—But, as I understand, the present gentleman, the Rev. Robert Kyle, went into possession on Henry Kyle's death, and he received and spent a considerable amount of money since on the school. Let him bring in a running account down to the present time.

Mr. Smith.—You see that there is a great deal of vagueness about his liability for that £26 12s. 10d.

8245. Lord Justice FITZGERSON.—Have you any account of what he spent last year, for this account stops at the year 1885? You frame it so that he would appear to owe only £16 odd.

Mr. Smith.—That was what we were relying on the Statute of Limitations.

8246. Lord Justice FITZGERSON.—But the Statute of Limitations would not apply to the last six years. In the return which is given here to the end of the last quarter of 1886, he says that he is quite ignorant as to how many years the school was closed. £15 6s. 9d.

is stated as the only portion of rent-charge remaining unpaid within the last six years. Here is your letter:—"On behalf of the Rev. Robert Kyle, we object to the proposed draft scheme, inasmuch as it holds him liable for the sum that appeared due before 1885, whereas £15 6s. 9d. is the only portion of the rent-charge remaining unpaid within the six years last specified, and as to the rest, if any, Mr. Kyle does not admit any sum to be due beyond the sum of £15 6s. 9d."

Mr. Smith.—I do not think we can go on the Statute of Limitations.

8247. Lord Justice FITZGERSON.—What do you consider would be the proper thing to do?

Mr. Smith.—After the words, "The said sum of £26 12s. 10d., and £165 18s. 6d., making together the sum of £232 12s. 7d.," I was about to add, "but he disputes any personal liability in respect thereof; part of it consists of £206 12s. 10d. from arrears which accrued in the lifetime of the said Henry Kyle, predecessor of the said Rev. Robert Kyle, and the said £26 12s. 10d. is not now recoverable so portion of the said sum of £232 12s. 7d."

8248. Lord Justice FITZGERSON.—There is never in putting in a recital that the thing is in dispute. We might put in the £26 12s. 10d., as now chargeable on the estate.

8249. Lord Justice NAIRN.—Are there any vouchers for the payments that are detailed in the account sent in here?

Mr. Smith.—I have nothing beyond that letter.

8250. Dr. TRAILL.—Who is the executor of Henry Kyle?

Mr. Smith.—His son. He took the property absolutely.

8251. Lord Justice NAIRN.—Are you prepared to make an offer of payment?

Mr. Smith.—No. I know Mr. Kyle's circumstances at present. His property is about to be sold.

8252. Dr. TRAILL.—That is the time to get the money.

Mr. Smith.—Tullyvarnah is not to be sold.

Lord Justice NAIRN.—If some settlement is not made he will have a receiver appointed over his land.

8253. Lord Justice FITZGERSON.—If the Board of Charitable Donations and Bequests are put to rest, they would be bound to proceed against him for the payment of this money. The sum is small enough to proceed against him in the Quarter Sessions Court, but he is bound to pay in any case. There is here a statement of accounts from 1878 to 1886, and showing a balance due of £26 12s. 10d. at the death of Henry Kyle. Is this the only account you have?

Mr. SMITH.—That is all.

8254. Lord Justice FITZGERSON.—If you give us such an account as that for last year we can settle the whole thing for him.

8255. Dr. TRAILL.—What are the assets left by the late Henry Kyle?

Mr. Smith.—That I do not know.

8256. Dr. TRAILL.—Was there a cash balance left?

Mr. Smith.—I do not know.

8257. Dr. TRAILL.—Who has the probate of the will?

Mr. Smith.—I have not the probate here. I dare say it is in Coleman's.

8255. Dr. TRAILL.—An executor is bound to account for the assets of his father. If all the assets are distributed it is hard to ask him to pay up. The son being the executor is asked to ask him to account for the assets of his father if no balance thereof remained over.

Lord Justice FRYNGERSON.—It is not made a personal debt in any way. He has the estate. This is as to the charge on the estate.

8256. Dr. TRAILL.—What is the rental of Tully, vaneil?

Mr. SMITH.—I do not know.

8257. Lord Justice FRYNGERSON.—Is Robert Kyle the personal representative of his father?

Mr. SMITH.—He is his eldest son and executor. He is the appointee of the lands.

8258. Lord Justice NAISH.—Look at this account. Take the item December 1st. Income: paid manager £36. What does he mean by that?

Lord Justice FRYNGERSON.—He puts down the whole income as paid to himself, and he takes credit for it as expenditure.

8259. Lord Justice NAISH.—He only puts £4 spent on the house.

Dr. TRAILL.—But there is £10 laid out on the house. He intends that account to be between the estate and the manager. The manager is to account for each £50.

8260. Lord Justice FRYNGERSON.—That is the income for the year 1865. In this account he puts it down—Manager, £60; but when he comes to show how it was spent there was only £47 15s. the last year.

Dr. TRAILL.—That is the account between the estate and the manager, and is correct as between the manager and the estate. It proceeds then to account for the expenditure.

8261. Lord Justice NAISH.—Has he sent in an account for each year?

Mr. SMITH.—No.

8262. Lord Justice FRYNGERSON.—Would there be any possibility of giving us any sort of an account within a reasonable time that we could act on—say within a week.

Mr. SMITH.—Mr. Kyle is over in England.

8263. Lord Justice FRYNGERSON.—We have written to him frequently, and we have only got three documents from him.

Mr. SMITH.—My last instruction was merely to protest against making him personally liable. This

is the letter I received:—"Messrs. Crookshank, Brothers, and Leach.—I send you the draft scheme which will be finally settled on Saturday. There is nothing but a final protest against making me personally liable for the arrears."

8264. Lord Justice FRYNGERSON.—Are you satisfied except as to that?

Mr. SMITH.—I certainly, sir, would press on you to give us credit for £66 12s. 10d.

8265. Lord Justice FRYNGERSON.—I think we might take the £66 12s. 10d. off, and treat it as irrecoverable. We do not want to be hard on him if he admits the liability of the lands to the residue.

Mr. SMITH.—He must admit that.

8266. Dr. TRAILL.—If he paid up the £165 12s. 6d. the other sum might be struck out. Strike off the £66 12s. 10d. on condition that the other is paid up.

Mr. SMITH.—I am almost sure he will agree to that.

8267. Lord Justice FRYNGERSON.—I think if we let him off the £66 12s. 10d., he ought to pay the residue at once. Give us an account to December, 1867, and tell him that if he admits the balance and undertakes to pay it we will let him off that £66 12s. 10d.

Mr. SMITH.—Give him a reasonable time, say six months.

8268. Lord Justice FRYNGERSON.—He will have the six months in the ordinary course; this is but a draft scheme.

Lord Justice NAISH.—If he gets off this money and gets the six months, he must understand that he is to pay at the end of the six months.

Dr. TRAILL.—If this is to be litigated afterwards, the new Governing Body will claim the whole amount.

8269. Lord Justice FRYNGERSON.—We will give him a month from the time that the scheme becomes law to pay the money due to the new Governing Body, so that therefore he will not have to pay until next August. Send us a regular admission from yourself that the amount due to the 31st December, 1867, is so much, calculated on the basis that we let him off that £66 12s. 10d. That will relieve him from a suit in Chancery and all liability, and will settle the matter. We would like to have the account, like this of the year 1865, for 1867. Tell him that we are actually ready to sign this scheme now, and will probably sign it within a week, and that we will put him in for the whole liability if he does not answer satisfactorily before then.

The Commission then adjourned.

## PUBLIC SITTING—THURSDAY, MARCH 26, 1868.

At the Ranelagh Institution, Athlone.

Present:—The Right Hon. Lord Justice FRYNGERSON, and the Right Hon. Lord Justice NAISH, Judicial Commissioners; and the Rev. GERALD MOLLAT, D.D., D.C.; ANTHONY TRAILL, Esq., LL.B., M.D., F.R.C.S., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, Junr., was in attendance.

Lord Justice FRYNGERSON made an introductory statement.

### THE RANELAGH INSTITUTION, ATHLONE.

Robert Seale, s.a., Head Master, examined.

8273. Lord Justice FRYNGERSON.—You are the Head Master of this School?—Yes.

8274. How long have you held that position?—Since 1871. I did not enter the school until January, 1875.

8275. Whom did you succeed?—Mr. McNamara.

8276. When you came, what number of boys were in the school?—From 30 to 40. About half-a-dozen day boys, the others boarders.

8277. In 1860, on the occasion of the last inquiry, 87 boys were in the School?—Yes.

8278. How many are there now?—50.

8279. Has the increase been gradual?—It was gradual.

Mr. Seale handed in the following table showing the attendance at the school:—

—	Foundation.	Boarders.	Day.	Total.
1878, . . .	85	31	18	58
1879, . . .	85	32	16	58
1880, . . .	85	35	19	67
1881, . . .	85	32	21	58
1882, . . .	88	31	23	104
1883, . . .	15	65	22	102
1884, . . .	16	46	27	59
1885, . . .	15	35	30	115
1886, . . .	16	39	31	125
1887, . . .	16	37	25	117

Mr. Robert Seale, s.a.

March 26, 1886.

Mr Robert  
Bain, &c.

8280. Lord Justice FitzGibbon.—That is the number of individual boys attending at any time during the year?—Yes.

8281. What is the actual attendance?—It has varied from between 91 and 100.

8282. How many are here now?—55 boarders and 20 day boys on the roll.

8283. To what class do they belong?—To the middle class resident in the neighbourhood. I have 13 boys within a radius of twenty miles of Athlone, and 16 or 17 coming from the neighbouring counties.

8284. Do any come from Roscommon?—Yes, some.

8285. How many are from distant parts of Ireland?—Well, as to the remainder, I have 1 from Antum, 1 from Louth, 2 from Cavan, 1 from Wicklow, 2 from Kerry, 3 or 4 from the King's County, 2 from Dublin. Thirty-two are hall and foundation boarders, and 23 parlor boarders. The latter dine with myself.

8286. How many are on the foundation?—Fifteen.

8287. Are those free pupils paid for by the Society?—Yes.

8288. What allowance is made for them?—Ten pence for each day in the house.

8289. Is the number limited?—Yes, to 15.

8290. Where do they come from?—Roscommon, Galway, and Mayo.

8291. How are they admitted?—By competitive examination held once a year, in May or July.

8292. How many are admitted each year?—Five leave and five come in.

8293. How long are they kept here?—They used to be kept four years; now they are kept only three years.

8294. Lord Justice Nassau.—How much do you get altogether for those 15 boys?—Ten pence a day each for about 40 weeks, and £3 a year for the clothing of each boy.

8295. What competition is there for admission?—There are generally 50 or 30 boys competing for those five places.

8296. Is there any qualification required as to the position of the persons whose sons compete?—Yes; certificates are signed by the clergy as to the circumstances of the family.

8297. What are the religious denominations of the boys?—Church of Ireland, 79; Presbyterians, 8; Wesleyans, 4; Roman Catholics, 7. All the boarders are Church of Ireland, the others are day boys.

8298. You never had Presbyterians boarders?—I must take the foundation pupils as Church of Ireland.

8299. What have you out of the endowment?—A salary of £100 a year.

8300. And the school fee?—Yes; they are left to me. The Society regulates the amount of the fees. I have an allowance of £50 for one assistant master; I have four resident assistants and a visiting assistant.

8301. What distinctions have the boys obtained?—Exhibitions and other prizes, including gold medals in mathematics. One boy obtained a gold medal at the matriculation examination for the Royal University last year.

8302. Do you send boys to Santry?—Yes, nearly all the boys are placed on the list for Santry. We send them up for examination.

8303. How far do you go in mathematics?—The course includes trigonometry and Euclid. I have had boys here up to 18 or 19 years of age, but they must be under 18 when they come, and are between 15 and 16 generally.

8304. What classical teaching do you give?—We teach them for the entrance examination for Trinity College, for matriculation at the Royal University, and for the three grades of the Intermediate Examinations. The Incorporated Society seems to object to the teaching of classics, and give me no assistance in that way.

8305. What have you to say as to the premises?—The premises are very good.

8306. They are kept in repair by the Society?—Yes.

8307. What land have you?—The institution is supposed to stand on five acres.

8308. Besides the land connected with the school, have you any other land?—Yes; I rent about four acres from the Society.

8309. What do you pay for it?—I think I pay more than an agricultural rent—three guineas an acre. Then I have land from Mrs. Pidgeon at 45s. an acre.

8310. Is that part of the land belonging to the Society?—Yes. Mrs. Pidgeon is a middle peasant. I pay her 45s. an acre for ten acres of grass, and I keep cows on it for milk and butter; and the boys have the use of it.

8311. Then, in fact, that land is used for the purpose of the school?—Yes. I took it for the boys and for the purpose of keeping the school select.

8312. Lord Justice Nassau.—Tell us all the payments you get from the Society?—I have £340 per annum altogether from the Society—£100 for myself, £200 for my assistant, and then allowances for ink and light and for servants.

8313. In addition to that you have the fees for the foundation boys?—That is a negative quantity.

8314. How do you board the boys?—I don't follow the original treatment—meet three times a week. I give them meat every day.

8315. Rev. R. S. D. Campbell.—Could you keep a school on 10d. per head a day?—No.

8316. Could the boys be fairly treated on 10d. a day?—They might if the Society gave it for the whole year and did not deduct it when the boys are on vacation.

8317. Lord Justice FitzGibbon.—Do you examine the boys at your competitive examination?—No.

8318. Who examines them?—Generally some of the Professors of Trinity College.

8319. What sort of examinations are they?—Very elementary.

8320. Where do the boys receive their education before they come here?—In different parts of the dioceses of Tunn, Elphin, and Moath.

8321. Rev. R. S. D. Campbell.—Would you think it desirable to require a little more English in the examination for admission?—Yes, certainly. We sometimes get boys who do not know anything of simple proportion who can repeat hundreds of lines of Scripture. Very often we don't get the best boys, Scripture enters so much into the examination.

8322. Lord Justice FitzGibbon.—In what proportion?—I think about half. We have a preliminary examination in Scripture, and if they don't get half marks for it often the best boys are thrown out. I have got boys admitted here by competition who did not answer a single question in arithmetic.

8323. Is the Society represented in Athlone or in the neighbourhood?—Not that I am aware of, except by the catechist.

8324. Who is the catechist?—Mr. McCaughan, the incumbent of St. Peter's.

8325. The Very Rev. Canon Meehan, &c., &c., Banagher.—I think according to the terms of the original foundation the master should be in holy orders?—Yes.

8326. You are not in holy orders?—No. That provision was never carried out.

8327. Has there ever been a minister of this school in holy orders?—I think not.

8328. There never was a chapel erected here?—No. I don't think the Society would appoint a man in holy orders.

8329. Dr. Traill.—The idea of paying a minister was perhaps intended to obviate the necessity of appointing a master in holy orders?—Yes.

8330. Lord Justice Nassau.—Did the Society give your predecessor a pension?—Yes.

8331. How long was he here?—Thirty-nine years.

Rev. George McClanaghan, Rector of St. Peter's, examined.

March 26, 1888.

Rev. George  
McClanaghan

8321. Lord Justice FRYGESSON.—Are you the incumbent of the parish of St. Peter's, Athlone?—Yes.  
8322. And as such under the Act of Parliament regulating this school you are the catechist?—Yes.  
8323. You get £59 a year under the Act?—Yes, in Irish money.

8324. Have you any other emoluments for the duties you discharge in connection with the school?—No.

8325. What duties do you discharge?—I catechise an hour each week.

8326. Have you any other duties?—Yes, the Society expect that I should be fully acquainted with the working of the school, and should visit it from time to time.

8327. Do you visit the school?—No, except when I catechise.

8328. Do you "visit" the school at the same time that you catechise?—I walk through the dormitories, lavatories, &c.

8329. How often does the Society visit?—The deputation comes once a year, and there are other occasional visits.

8330. Have you acquainted yourself with the working of the school?—Yes.

8331. What class of boys attend it?—A middle class, gentlemen's sons, and the sons of professional gentlemen. The boarders in the school are of that class.

8332. Dr. TRAILL.—You don't mean the free boys?—No, not the foundation boys. The head master has clearly said that a certificate ought to be given as to the circumstances of the families of the boys on the foundation.

8333. I only want to guard against any one supposing that the sons of gentlemen are placed upon the foundation.

Rev. Mr. McClanaghan.—The sons of gentlemen are boarders here.

8334. Dr. TRAILL.—But still they indirectly get the benefit of the endowment. What do the boarders pay?—Thirty-two guineas per annum.

8335. Lord Justice FRYGESSON.—Do the fifteen Protestant boys on the foundation represent the whole number in need of free education in this locality?—I think that represents the number the Incorporated Society are able to maintain on the endowment.

8336. Is there any other school in Athlone or in the neighbourhood open to Protestant pupils, giving the same class of education?—No.

8337. No private school?—No.

8338. Then this school is the only one available to supply intermediate education for the Protestants of the locality?—It is.

8339. Is there anything you could suggest as to the class of education given in the school?—There is one great want. Classics ought to be recognized as part of the curriculum of the school. Classics are taught by the head master, without any assistance from the Society. We think that the Incorporated Society should give assistance in teaching classics.

8340. Lord Justice FRYGESSON.—To what extent are classics taught in the school?—The boys read the course for the intermediate examinations in Greek and Latin.

8341. Dr. TRAILL.—Are the foundation boys taught classics?—Yes; they matriculate both for Trinity College and for the Queen's Colleges. Boys here have passed with honours in classics.

8342. How many are learning classics?

Mr. BAILE.—Sixty-one are learning Latin, 33 Greek, and 86 are learning French.

8343. Lord Justice FRYGESSON.—Have the clergy or laity of the neighbouring parishes any representation on the Incorporated Society?—No.

8344. Do you think it would be well if there were any of the clergy or laity of the neighbourhood in the Society?—The men in Dublin are perfectly acquainted with the working of the schools and the selection of the scholars. They have a printed certificate, which each candidate must send forward a week before examination, and this certificate is signed by the clergyman of the parish.

8345. Is there no local body to compare the qualifications of the different candidates?—No; the clergymen testify to their qualifications.

Mr. BAILE.—The examiners don't know where the boys come from till the examinations are over. The clergyman of the parish only certifies as to the qualifications in reference to circumstances.

8346. Lord Justice FRYGESSON.—But there is no person to determine between the needs of one boy and those of another?—No; certainly not.

8347. Lord Justice NAUGHTON.—Are you obliged to send in reports to the Society of the working of the school?—I have never been asked, but I always do so.

8348. Has any one on the part of the Society come to see the school in working order recently?—No person for the last few years.

8349. Professor DOUGHERTY.—Do you visit the schools for the purpose of inspection?

Witness.—Yes. The Incorporated Society understand that I should visit them. I understood that that was part of my duty. I represent the Incorporated Society.

8350. Do you send to the Society any report of these visits?—No.

8351. Do you think there should be some person in the locality who should visit the school?

Mr. BAILE.—I should be very glad that such a thing did occur.

Rev. Mr. McClanaghan.—I should not object to it.

8352. Lord Justice FRYGESSON.—The more efficient the master is the more we have always found he wished for something of the kind.

8353. Professor DOUGHERTY.—Would it be possible in Athlone to find suitable persons to constitute a local committee?—I have known schools of the Incorporated Society in reference to which a local committee met once a month—it was in Dundalk, but the Incorporated Society was so fully trusted that it was considered unnecessary.

8354. Dr. TRAILL.—Do you think there is too much Scripture taught in these schools?—There is not too much Scripture, but I think there is too little arithmetic. I would also be in favour of boys learning a little Euclid.

8355. What are the boys examined in besides Scripture?—Reading, writing, English grammar, and the geography of Europe, Palestine, and Asia Minor, and arithmetic as far as the rules of three, practice, and vulgar and decimal fractions.

8356. Any history?—No history.

8357. Do many of the boys come from National schools?—A great many.

Mr. Joseph Vaughan examined.

8358. Lord Justice FRYGESSON.—You are assistant to Mr. Colomby, the agent of the estate?—Yes.

8359. What is the income of the estate which forms the endowment of the Ranelagh schools?—About £3,000 a year.

8360. What is it?—Tithes-rectorials from certain parishes in the counties of Roscommon and Galway; some property in the town of Athlone, and landed property in the county Roscommon.

8361. Has Mr. Colomby the management of the whole estate?—Yes.

8362. Lord Justice NAUGHTON.—Is the entire property in Roscommon?—No; some of it is in Westmeath.

8363. Lord Justice FRYGESSON.—How many schools share the endowment?—Only the two Ranelagh schools, the girls' school in Roscommon, and this.

8364. What is the net income?—About £1,660. There are head-rents, tithes-rectorials, and taxes.

Mr. Joseph  
Vaughan.

March 26, 1888.

Mr. Joseph  
Vaughan.

8375. Are the accounts of the Ranelagh estate kept distinct from those of the other endowments?—Yes.

8376. Lord Justice NAIRN.—Are the payments for the school made by you?—They are made by the secretary. We have nothing to say to the management of the schools, except as to the buildings. The money is lodged to the credit of the society in the Bank of Ireland.

8377. Dr. TRAILL.—The rents are very low, I believe.—Some of them are head-rents. There was a town lot which fell in in 1836. There were nine

tenancies, and one of them was valuable. There was an increase of £100 then.

8378. Is it in contemplation to sell to the tenants?—No; and there is no desire on the part of the tenants to buy.

8379. If the tenants went into the Land Commission Court do you think their rents would be reduced?—I think it is possible that a few of the rents would be reduced.

8380. Are the rents under the Government valuation?—They are generally under the Government valuation.

Very Rev. John F. F. Croxson, Provost of Kilmacduagh, examined.

8381. Lord Justice FITZGERALD.—What is your parish?—Arlington.

8382. What distance is that from Athlone?—Fifteen miles.

8383. In what diocese?—In Clonsfort.

8384. Have you had foundation boys sent here from your parish?—Yes, about fifty.

8385. How long have you been in the parish?—Since 1845.

8386. What is your experience of the school?—It has given a great stimulus to the master, and to the mistress also, of my school.

8387. What sort of a school is yours?—It is a parochial school.

8388. Is it in connection with the National Board?—No.

8389. How is it maintained?—By the Irish Church Mission.

8390. Do they give a salary to the teachers?—Yes, they give a salary to the teachers. The schoolmaster and schoolmistress are a married couple. They get about £20 a month.

8391. Do they get fees for preparing pupils for Ranelagh school?—Nothing, except a gratuity we may give them.

8392. What class of people are they whose children attend your school?—Generally they are of a very humble class—poor tenants and people of that kind.

8393. How are the pupils selected who compete for admission here?—We prepare them and send them up.

8394. Are they all day pupils?—Mostly; sometimes we have pupils from other parishes; sometimes we receive a small stipend from farmers; sometimes pupils come from Ballinacree.

8395. What distance are you from Ballinacree?—Three Irish miles.

8396. What is the course of education at your school?—Arithmetic, geography, grammar, a course of Scripture and Church Catechism.

8397. Are the children attending your school all members of your own church?—Well, all who come are received—no objection is made.

8398. Lord Justice NAIRN.—You take in Roman Catholic children?—Yes, we make no distinction.

8399. How many have you there now?—I could not exactly say at this moment. We have a few.

8400. Lord Justice FITZGERALD.—What is the whole number attending your schools?—There are about 60 on the rolls.

8401. Do all these belong to the neighbourhood?—Some of them have been sent to us from other places.

8402. In what proportion?—Sometimes we have about 30 children from other places.

8403. Are those included in the 60?—Yes.

8404. Do they compete?—Yes, some of them do.

8405. Is your school an orphan home?—The school is not a orphan home, but the children of the orphan home are educated in the school.

8406. Where do the children come from?—From various quarters.

8407. Lord Justice NAIRN.—Some of the Roman Catholics, I suppose, come from these distant quarters?—Yes.

8408. Lord Justice FITZGERALD.—Then their qualification to come in here is that they come from your school?—Yes; they read the Scriptures, and are

prepared in a course which consists of the Gospel of Jesus Christ.

8409. Is not this school intended for the education of Church children?—

Mr. Baile.—No matter what they are, I take them as Church children.

8410. Lord Justice NAIRN.—Do all those children attend your church?—(Witness).—Yes.

8411. Is this "Home" a Church Mission Society's house?—No; it is a private affair altogether.

8412. What are the ages of the children when they enter the Ranelagh Schools?—The girls must be under 13, and the boys must be under 16.

8413. How long are the girls retained at the Ranelagh school?—Four years.

8414. Then they must be under 17 when they leave?—Yes.

8415. What is the character of the education they receive?—Some are educated to become teachers.

8416. Do any of them go to Cambridge?—Yes.

8417. Are they about the same class as the boys who come here?—Yes.

8418. How many children come from your school to the Ranelagh Schools in the year?—Sometimes we fall—the competition is very sharp. Sometimes we succeed.

8419. About how many in the year do you send?—On an average about a couple. There have been times when we took the whole of the places, but the competition has increased. We did not get in any boy last year.

8420. Lord Justice FITZGERALD.—Do you know with what class of boys your pupils compete?—They must be sons of poor persons not able to pay for boarding and education. We never know who will be against us. They are gathered here and there. Their names are not given until after the examination.

8421. Professor DOUGHERTY.—Who conducts the Scripture examination, which is considered of so much importance?—I forget the names.

Mr. Baile.—Sometimes Dr. Stahle, and Dr. Mac Donagh, and Dr. Walsh.

8422. Lord Justice NAIRN.—How many of the 60 children at your school are Roman Catholics?—Taking the children of mixed marriages into account, I should, at a rough guess, say about one-third.

8423. Lord Justice FITZGERALD.—You said that some children come to your parish to be instructed in your school—do they pay fees?—No.

8424. Dr. TRAILL.—Is it a sine qua non that the candidates you send in here are to be returned as members of the Church of Ireland?—No; there is nothing of that kind required that I recollect.

8425. Lord Justice FITZGERALD.—To be entitled to share in this endowment, they must be Protestant boys?—I don't know.

8426. Mr. Vaughan.—They must have studied Scripture.

8427. They attend your church?—Yes.

8428. Lord Justice NAIRN.—It is quite plain the intention is to bring them up as Protestants and to get Roman Catholic children also to attend.

Mr. Baile.—According to the will, they must be Protestants when they are received here.

8429. Lord Justice FITZGERALD.—What course is life do the boys learn after they leave this school?—

Many boys who have been in this school have entered the ministry, several have gone into the Exchequer, others have become tutors in various schools in England and elsewhere, many have become clerks, and they occupy various respectable positions.

8432. An education is given here which enables them to maintain themselves respectably?—Yes. Some have gone through college, many are in college at present. A great many have emigrated, and are doing well abroad.

8433. Could you suggest any mode by which the people of the locality might have a voice in selecting the right candidates?—I don't see any advantage. The present system appears to me to work admirably.

8434. It works well for some schools, but it strikes me that a poor Protestant boy of Athlone would have a bad chance against boys specially prepared in such a school as yours. Whom, if any responsible people of Athlone had a voice in it they would be likely to look after their own candidates. The course of examination I see is as follows:—Old Testament, Deuteronomy and Second Kings; New Testament; St. Luke's Gospel and the Epistle to the Hebrews in its references to Genesis and Exodus; the Church Catechism, and the Scriptural references showing its doctrine to be in conformity with the Word of God. In secular subjects—Reading, writing, rudiments of English grammar, geography of Europe, Palestine, and Asia Minor, and arithmetic, as far as the rule of three and practice, inclusive, and vulgar and decimal fractions.

(To the Rev. Mr. Croxall).—If you exclude all children who do not pass in that course would you say that those admitted must already have received a considerable amount of education?—Yes.

8435. Professor Deane says (I believe).—I think you send the children sent to the school are drawn from the poorer classes mainly?—Witness.—Yes.

8436. Is any assistance given them by way of stipend when they leave school?—Not that I know of.

8437. Has the appropriation fund mentioned in the Act of Parliament been discontinued?—I don't know.

8438. Lord Justice Fitzgerald read the form of certificate as to the circumstances of candidates for admission, stating "that the candidate was a suitable person for admission to the school" was to be signed by the minister of the parish and accompanied by a doctor's certificate that the candidate was of sound health.

8439. The Rev. Canon Mowbray.—Would a certificate from a Roman Catholic priest be accepted?—I think not. I could not accept it except from a Protestant clergyman.

8440. Would the baptismal certificate not be required?—That would be after the election.

8441. Have you any certificates signed by a magistrate?—I have not. I have nothing to do with the baptismal certificate. It is not sent until after the boy is elected, but before admission is given the baptismal certificate must be produced.

8442. Lord Justice Fitzgerald.—Do you see the baptismal certificate?—Yes.

8443. Lord Justice Mowbray.—Have you got certificates from Roman Catholic clergymen?—There was

one sent here last week with a foundation boy from Castlemore. The certificate was from the parish priest of Castlemore.

8444. And the boy was registered as a Protestant here?—Yes; he was a Protestant some time before he came to me.

8445. Lord Justice Fitzgerald (reading from one of the rules).—"The certificate of birth must be forwarded to the Secretary, 73, Harcourt-street." Am I right in taking it that the only evidence required here is, that the boy presents himself as a Protestant, and produces a certificate of his being "suitable" from the minister of the parish?—Yes, I have nothing to do with the religion. If I got the certificate from the boy I admit him.

8446. Lord Justice Mowbray.—Did the boy from Castlemore come to you direct?—No, he came from Tuam; his father resides there.

8447. Canon Mowbray.—From whom do you get the baptismal certificate?—It comes from the Secretary, when he sends the direction to me to admit the boy.

8448. Dr. Traill.—May the baptismal certificate be signed by any person?—Yes, by anybody.

8449. Lord Justice Fitzgerald.—If I wished to compete to whom should the clergyman's certificate be sent?—It should be sent to me before examination.

8450. And if I passed the examination you must admit me when directed by the Secretary from Dublin?—Yes, I don't know what other rules there are, but when I get the certificate from the Secretary, I am to take in the boy.

8451. Lord Justice Mowbray.—What is the form of the order?—Admit this boy on the foundation of the Rathfarnham School.

8452. Dr. Traill.—You are only the administrator under the Central Board in Dublin?—That is all. I have nothing to do with the admission. All these certificates come to me from the clergymen the week previous to the examination, and I retain them till the examinations are over. The boys are examined by numbers not by names. When the examinations are over the Secretary, Mr. Hackett, takes the numbers to Dublin and then he sends the orders of admission to me.

8453. And every boy is received as a Protestant?—Yes.

8454. Have you ever had a boy here as a scholar while he was a Roman Catholic?—Never, it is thirty-eight years since I was admitted myself.

8455. Lord Justice Fitzgerald.—What religious instruction is given here?—There is the reading of the Bible morning and evening, and the Catechism is taught once a week. That is limited to the boarders and day boys.

8456. Dr. Traill.—Do any of the Roman Catholic boys attending the school as day boys attend religious instruction?—No, they leave always.

8457. What do you do with the Presbyterians?—No matter what they are, I treat them as members of the Church of Ireland. They are taught the Church Formulary, I mean the foundation boys, I treat them as Church of Ireland boys. The Presbyterian boys not on the foundation don't attend, they count themselves very fortunate when they get outside.

The Rev. E. S. D. Campbell, M.A., Rector of St. Mary's, examined.

8458. Lord Justice Fitzgerald.—I believe you are not long in this neighbourhood?—No, only a few weeks.

8459. What position do you hold?—I am Rector of St. Mary's, Athlone.

8460. Have you seen the working of this school?—No; but I was Rector of Leeney for nine years, and was rector of the Farna School for seven.

8461. Can you tell us how the Protestant boys are selected to compete for the endowments of the Inco-

porated Society?—Circulars are sent out by Mr. Hackett stating when the examinations are held, and the clergymen and others prepare the candidates.

8462. Dr. Traill.—When you say clergymen, you don't mean Presbyterian clergymen?—No; Church of Ireland. The clergymen generally prepare the boys themselves and send them here, or there may be a school in the neighbourhood specially devoted to preparing boys for these examinations. Then there is the qualification of poverty.

March 24, 1888.

Rev. John F. T. Croxall.

Rev. H. S. D. Campbell, M.A.

March 26, 1898.

Rev. H. S. D.  
Campbell, M.A.

8450. Lord Justice FRYGIMSON.—Can you tell us how the information on that subject is obtained?—Mr. Hackett used to press questions rather closely in particular cases as to whether the parents were poor; but as regards the general run, it is by certificate.

8451. Do you not think that it would be well to have an examination by some local committee to see that Protestants, and none but those really poor, should get the benefit of the endowments?—I think it would be important. I think there should be a local committee of influential men who should have a general supervision over the school.

8452. Give us fully your idea of what would be useful?—As regards the certificates, they are sent in by anybody, and generally they can be got up and signed no matter what they contain. As regards Farrs, there was no person who took any interest in the place. Many things could be done about a school in which the assistance of a local gentleman would be very useful. I wrote recommending Mr. Thomas Tighe Chapman as a gentleman who should look after the school. He was elected a member of the Society, and I found Mr. Chapman very valuable. He encouraged the boys, and took an interest in the school. He gave prizes, which were a great benefit to the school. A great deal might be done in this way by a local committee. The committee of fifteen are the governing power of this Society; but I think there should be three, or four, or five independent gentlemen in the neighbourhood of each school who could advise, and would make themselves generally useful.

8453. Lord Justice NAHE.—What power would you give them?—I would give them the power of consulting with and advising the Board; and of visiting the school, and making representations to the Society; but I would not divide the responsibility with the master.

8454. Lord Justice FRYGIMSON.—Could not the local committee decide between the claims of candidates?—I think so.

8455. Lord Justice NAHE (to Rev. Mr. McClenaghan).—Do you get any boys from Achill Island?—Yes, now and again. The local committee could not decide on their qualifications. We sometimes get them from Galway and Clifton.

The Rev. Mr. Campbell.—At present the catechist has large powers. No bills can be paid without his certificate; he has a large control over the school; no expenditure can be incurred which the catechist does not sanction.

8456. Lord Justice FRYGIMSON.—You are speaking of the Catechist of Farrs?—Yes, if there are repairs to be done or any other expenditure to be incurred, it cannot be done without the consent of the catechist.

8457. (To Rev. Mr. McClenaghan).—Do you look after these things here?—No.

8458. Professor DOUGHERTY.—Did you ever receive instructions from the Society as to the manner in which you should discharge your duties?

Rev. Mr. McClenaghan.—Never, but if there were anything wrong, I understood what my duties were.

8459. How did you arrive at a knowledge of them?

Rev. Mr. McClenaghan.—I was acquainted with the Incorporated Society, I was a boy in one of the schools, I was a master in another, and for the last ten years, I have been a catechist.

Rev. Mr. Campbell.—The catechist must look after the food, the clothing, and the sanitary arrangements, and he is to have a general supervision apart altogether from that of the master.

8470. Would it be some advantage to have a local committee to look after those matters?—Witness.—Yes, I would think so. The responsibility is too much for the catechist.

8471. Dr. TRAILL.—A duty, such as that of an inspector of nuisances, is hardly a suitable one for a catechist?—I take every duty put on me.

8472. Lord Justice FRYGIMSON.—People must look after the sanitary arrangements of their own houses,

and somebody ought to be responsible for looking after the school?—If we had two or three gentlemen of the neighbourhood as a local committee it would be an immense advantage in every way. I think it would have been an advantage if there had been a small committee in Farrs. The school was in a shameful condition when I first knew it.

8473. Professor DOUGHERTY.—Was there an annual visitation of that school?—There have been annual examinations, and an annual inspection, but then the visitors hurry off to the train. The building was going into dilapidation. We got accustomed to it. We had great difficulty in getting anything done at Farrs.

8474. Lord Justice FRYGIMSON.—In what condition is Farrs School at present?—It is in a vigorous healthy condition, thanks, in a large degree, to the present master.

8475. Professor DOUGHERTY.—With regard to the character of the education given in those schools have you any suggestions to offer?—There ought to be an allowance made for classical teaching.

8476. The intention of the founder was to provide schools for the poorer classes, and not education for the middle classes?—All classes, I think, should get a chance. Many bright boys are to be found amongst the children of the poor. I should like to see the opportunity afforded to them of obtaining a University education. I should like to see them extending their vision.

8477. Is there any provision for teaching drawing?—No.

8478. Has any provision been made for teaching experimental science?—We had a committee formed in Farrs to consider those matters.

8479. Would you think it desirable to give anything in the nature of technical education in these schools?—At present there is a foundation for a mathematical education.

8480. Drawing is not included?—Drawing is taught in Farrs, but not as drawing. It has been occasionally taught to boys studying mathematics.

8481. On the whole, you would be in favour of making these schools a place of preparation for the intermediate examinations?—I think the entrance examination should be altered.

8482. Lord Justice FRYGIMSON.—What do you suggest on that subject?—It should require the boys to know a little algebra and Euclid.

8483. Would you make the examination harder?—I think portions of the entrance examination might be altered.

8484. Lord Justice NAHE.—At what age are the boys supposed to come here?—From 12 to 16.

8485. Professor DOUGHERTY.—Would you diminish the theological element?—I would by altering its character.

8486. In what way—would you omit the Church formularies?—I would not. I would like the proportionate weight of Scripture reduced, and the Examination less difficult and catchy.

8487. Lord Justice FRYGIMSON.—Here is the instruction which the founder desired:—"The twenty boys and twenty girls to be named by the trustees of the major part of them, with the advice of some of the chief inhabitants of the town and manor of Athlone, but none of the boys or girls so admitted to be under the age of seven years nor above the age of twelve years; the boys to be taught in reading, writing, and arithmetic, and the girls in reading, writing, spinning, and knitting, and such other works as the trustees, or the major part of them, should direct;" and boys are described as "the poor Protestant boys of the town and manor of Athlone;" and the girls as "the poor Protestant girls of the town and manor of Roscommon."

How would you propose to select some principal inhabitants for a local committee?—I would be willing that the names should be submitted to the Board.

8488. A sum of £30 per annum is given to the minister for the time being having the care of souls in the parish for acting as catechist?—Yes.

8488. There is a parish at each side of the river here?—Yes—St. Mary's and St. Peter's.

8490. Would you think a member or two of the committee might be taken from the Select Vestry of either parish?—I think so. I should think that the committee in Dublin would be most anxious for it. I never know any of the schools to be so efficiently managed as this; but of course the committee in Dublin cannot see everything.

8491. Are there not a considerable number of poor people residing in your parish—St. Mary's?—Yes.

8493. How many Protestants are there in the parish?—About 800.

8494. Are there not amongst them boys to whom it would be an advantage to get in here?—Yes, certainly.

8495. Are there many of the artisan class amongst them?—Yes.

Mr. Baile.—At present there are three here from that parish.

8496. Are there any day boys attending here who do not pay fees?—No.

8497. According to the intention of the founder, poor Protestant boys of Athlone were to get instruction here, and now all the benefit goes by competition to boarders?—Yes.

8498. Is there any possibility of free admission for a poor Protestant day boy?—No; but the fee is low—£1 a quarter.

8499. Professor DUFFIN.—That is a considerable fee. In the North of Ireland it would be considered high.

Mr. Vaughan.—We have people here who can afford to pay it.

8499. Lord Justice FITZGERSON.—Yes, but Lord Russell intended that poor Athlone boys should not have to pay it.

Mr. Vaughan.—There is a good Roman Catholic school which has been recently established here.

8500. Lord Justice FITZGERSON.—Is there a Model School here?

Rev. Mr. Campbell.—No.

8501. Is there any other National School under Protestant management?—No, St. Mary's School is not a National school.

8502. Lord Justice FITZGERSON (to the Rev. Mr. McCloskey).—About how many of a Church population have you in your parish?—About 120 and about 600 military. If you took in the boys of this school we should have 250.

8503. What school is available for them besides this?—We have no Protestant school except the Russell School in this parish.

8504. Would it not be an advantage to the poor boys of your parish to have free admission here?—If a boy is sufficiently advanced his best way is to get in on the foundation.

8505. But for the cost of one boy on the foundation you could teach twenty day boys of the class for whom the school was founded?—I don't think such a number of day boys would require the education given in this school. They are better educated in the parish, on St. Mary's side.

#### Robert Baile, B.A., re-examined.

(Mr. Baile here produced a book, for which Lord Justice Naish had previously asked, containing the names of the foundation boys in the school, and the parishes from which they came.)

8506. Lord Justice FITZGERSON.—I see that in 1884 you had twenty-two candidates?

Mr. Baile.—Yes.

8507. Lord Justice NAISH.—Two candidates were from Tuam?—Yes; neither of them succeeded.

8508. The next two were from Spiddal?—Yes; one succeeded.

8509. Then there were two from Clonsilla?—Yes; one succeeded.

8510. Then one from Ballinakil?—Yes; he did not succeed.

8511. Then four from Ballinacree?—Yes; one succeeded.

8512. Where were they prepared?—In the Ballinacree schools.

8513. Then from Athlone there were three candidates of whom only one succeeded?—Yes.

8514. His name was William McEwing?—Yes.

8515. Did his parents live in this neighbourhood?—No.

8516. Then there was a boy from Kilkenny; three from Loughmacore; and two from Aughrim?—Yes, and one succeeded.

8517. The last on the list was from Castlebar?—Yes.

8518. On the list of candidates for 1887, the two first were from Athlone?—Yes; one succeeded.

8519. Then there is another boy again from Kilkenny, West; a boy from Tossan; a boy from Ballinacree; one from Westport, and one from Achill Sound?—Yes.

8520. What class of boy was he?—I don't know; he is a native of Achill.

8521. Then there were two from Aughrim; two from Farnstown; three from Ballinacree; three from Loughmacore; one from Tuam; two from Ballinacree; one from Frankford; and one from Spiddal?—Yes.

8522. Then there appear to be in all about a dozen parishes from which the candidates come?—Yes.

8523. Why is it from those parishes only that the boys come?—I dare say the masters in many of those schools have been pupils here, and took an interest in the place, and knew how to prepare the boys for the examination. And unless they did know how to prepare the boys their pupils would not pass the examinations.

8524. Dr. THOMAS.—The examinations, I believe, are of a catchy nature?—Yes, if the boys were not specially prepared in Scripture they would have no chance.

8525. Lord Justice FITZGERSON.—Then the competition is practically in the hands of a few schools in different localities?—Yes.

8526. Do you give any advantage to local boys as day boys?—No, the regular charge is £1 a quarter.

8527. Would it not be an advantage if boys were admitted at reduced fees?—Yes, I have taken boys from Nenagh.

8528. There are Protestant day boys in this neighbourhood to whom it would be an advantage?—Yes.

8529. How many would your school be capable of accommodating?—About 100, I think. As it is we are pretty full.

8530. Are you in connection with the Science and Art Department?—Yes.

8531. Who form the committee?—Mr. Langrishe, the Rev. Mr. McCloskey, the Secretary to Mr. Watson's congregation, Mr. Price, the Wesleyan clergyman, Mr. Dickson, a resident in the town.

8532. What Science and Art subjects do you teach?—Mathematics, electricity, and magnetism.

8533. What apparatus have you?—I got them myself.

8534. Did you apply to South Kensington for any?—I did not.

8535. What results did you get?—I got from £60 to £100 in each year.

8536. How many boys do you send up?—Generally about forty.

8537. Do you teach any drawing?—We are limited for drawing, Mr. Hampton, the mathematical teacher, teaches drawing to any boy who wishes it.

March 19, 1885.

Robert Taile,  
Esq.

8538. Dr. TRAILL.—Why did you not take it as a subject for South Kensington?—The other subjects are better.

8539. Is the examination harder for drawing than for magnetism, for example?—Yes.

8540. Would it not be quite as beneficial for the boys?—Yes.

8541. Professor Deconmunt.—Can you tell us in

what proportion the boys go to trade or business?—I could not.

8542. What proportion of your boys go to the University?—In 1885 five matriculated in Trinity College and one in the Royal University.

8543. What becomes of them afterwards?—I have lost sight of them. Some of them went into banks. No classics were taught here till I introduced them.

# ST. MARY'S PAROCHIAL SCHOOL.

Mr. Joseph Vaughan examined.

Mr. Joseph  
Vaughan.

8544. Lord Justice Fitzgerald.—On which side is St. Mary's?—On the Westmeath side.

Lord Justice Fitzgerald (reads the bequest by William Hancock as a foundation for a Protestant school).—What is the present condition of the school?—We get still from Lord Castlemaiden's property £30 a year Irish, £4 10s. 6d. from the Commissioners of Charitable Donations, and £3 a year from the London Society. The rest is made up by the parish. The school is under the Erasmus Smith Board which is the chief source of supply.

8545. What number of scholars are in attendance? About sixty.

8546. Are those children of a poorer class than those who come to the Renshagh school?—They are of the class on the foundation here, and some are considerably poorer.

8547. Would it not be an advantage if the cleverer children could come here as day pupils?—You would have St. Mary's School broken up.

8548. Why not put it under the National Board?—Because the Erasmus Smith's Board contributes to it.

8549. Dr. TRAILL.—How much?—About £30 per annum.

8550. Is it a voluntary subscription?—It is voluntary.

8551. Are any of the Erasmus Smith estates in this county?—No. They are in the King's County.

8552. Lord Justice Fitzgerald.—In London a school from which they withdrew a substantial contribution was put under the National Board, and

became one of the best schools we have seen. Now, who pays the rent-charge?—Lord Castlemaiden.

8553. Have you any other assistance in the way of dividends?—No.

8554. Dr. TRAILL.—The Town Council do not contribute anything?—No. Formerly they used to subscribe £10 a year.

8555. Lord Justice Fitzgerald.—What land have you?—None.

8556. Who owns the building?—The incumbent of the parish and the select vestry.

8557. Have you an inspector?—Yes—a very efficient inspector under the Erasmus Smith Board. The teacher is supposed to be appointed by the select vestry.

8558. The Rev. Mr. Campbell.—There was an inspection recently, and an admirable report was given of the schools by Mr. Rodkin.

8559. Have you any prejudice against the National Board?—I am very unprejudiced.

8560. As far as we see your school is an ordinary parochial poor school which has the misfortune of getting a small contribution from the Erasmus Smith Board which prevents it from being placed under the National Board?—Yes, we are a poor school, but I do not regard the contribution from Erasmus Smith Board as a misfortune.

8561. What do Christian Brothers have done for their clever boys should he come here?—Every facility should be given to the admission of such boys here as day boys.

Mr. Taile.—I hope it will not be at the expense of the master.

Mr. James Hart sworn and examined.

Mr. James  
Hart.

8562. Lord Justice Fitzgerald.—Are you the Head Master of St. Mary's Parochial School?—Well, strictly speaking, I am not.

8563. But you are actually master?—Yes.

8564. What number of pupils have you?—We never have 60, but there is an average attendance of 50 or over.

8565. Does that include boys and girls?—Boys and girls. The attendance in the infant department is about 50. The teachers are myself and two women. There is one head teacher and an assistant.

8566. Your school is elementary?—Yes.

8567. Are you a qualified teacher?—Yes.

8568. Where did you train?—In Kildare-street.

8569. What is your class?—First class.

8570. When did you leave the training school?—In 1877.

8571. When it was under the Church Education Society?—Yes.

8572. You are not classified under the National Board?—No; I should not wish it.

8573. Dr. TRAILL.—Are you afraid of the test?—No, but I should not wish to lose £50 a year.

8574. How is that?—I should have an average attendance of over 50 before I could have it. My wife now teaches the girls, and under the National Board I should have to teach all. I could not have an assistant without having an average attendance of 70. Not having an attendance of over 50, my wife's salary would be lost.

8575. Lord Justice Fitzgerald.—What salary do you get?—I get £60 myself between the parish and the Erasmus Smith's Board, and my wife gets £44.

8576. How is your wife paid?—£35 from the local source, and £19 from the other sources.

8577. How much do your own entire emoluments amount to?—£60 from the Erasmus Smith's Board, and £30 from local sources.

8578. Do the local sources include the endowment?—Yes.

8579. Dr. TRAILL.—Could not the local endowments make up the difference between the National Board grants and the present salaries of your wife and yourself?—They could not, for they have enough already to do to pay £50 a year and £24.

8580. Lord Justice Fitzgerald.—If you were a classified teacher under the National Board—say a second-class teacher—you would have £56 a year and results fees, which come to about 13s. per head.

The Rev. Mr. Campbell.—His wife is to be considered.

8581. Lord Justice Fitzgerald.—He gets £30 from the Erasmus Smith Board, and £19 for his wife. That is £49, and if the schools were made a mixed school, and you joined the National Board, you would get a salary and results fees, which, even at 1s. per head all round, would be £13 10s., amounting, with the salary, to £58 10s., as against £49 which you get now, so Erasmus Smith's Board are throwing away

£49 per annum, only with the effect of enabling you to decline £28 10s. from the National Board.

Mr. Hart.—I don't want to get under the Board at all.

8582. Professor DOUGHERTY.—Have you children of all denominations attending the school?—Yes.

8583. How many Presbyterians?—Eight or nine.

8584. What is the nature of the religious instruction given in the school?—The Bible and the Church Catechism.

8585. Do you teach the Catechism yourself?—I do. I don't teach it to any children who object to it.

8586. You observe the conscience clause?—Yes. The Presbyterians, Methodists, or other denominations are not taught religious instruction unless their parents wish.

8587. Have you consulted the parents of Presbyterian children?—Yes.

8588. Dr. TRAILL.—Do you teach the Presbyterian Catechism?—No.

March 21, 1888

Mr. James Hart.

THE RANELAGH INSTITUTION (continued), and THE MARIST BROTHERS' SCHOOL, ATHLONE.

Most Rev. Dr. Woodlock, Lord Bishop of Arlath and Clonmacnoise, sworn and examined.

8589. Lord Justice FRYGEMAN.—Your lordship's diocese are the united dioceses of Arlath and Clonmacnoise?—Yes.

8590. How long have you been Bishop?—Nearly nine years.

8591. Your lordship has heard the evidence given here to-day in reference to the endowments existing here?—Yes.

8592. Is there anything you wish to say in reference to them?—I have a very strong view in reference to the Incorporated Society, which has the management of this institution. I don't want to say a word against this institution; but, on the contrary, if the funds which support it were three times what they are, and that it met the views of the Protestants of Athlone, I should only be happy to see it well conducted according to their wishes; but I have something to say to the Incorporated Society, which has received very large funds from the public purse—£1,600,000, or more than one million and a-half sterling, and I make this statement from a book which I think is correct, and which gives reports in reference to the working of the Society, and I say, that having regard to the fact that from time to time the Incorporated Society has received such large sums for the purpose of promoting education, it seems hard that in a town such as Athlone, where five-sixths—perhaps not so much—where four-fifths of its population are Catholics, no provision whatever has been made to enable us to promote education amongst our people where there is such a fine endowment for the promotion of education amongst Protestants. We have at considerable expense within the last three or four years introduced the Marist Brothers to Athlone, and they are now doing here what they have done so well in England and Scotland and what is so eminently needed in a town like Athlone, giving education to the upper and middle classes. They have sent up boys to the Science and Art Department and to the Intermediate Examinations, and, on the whole, they have succeeded in attracting to themselves a large number of boys.

8593. What buildings have they?—They have been living in a house which we purchased from Dr. Gleeson. We got a lease for 205 years from Mr. Dames-Longworth, but the building is totally insufficient for the purpose of the school. Seventy-four boys are going to this school, which, as a building, has much more the character of a private house. We have also to find accommodation for the residence of the Brothers in the same building.

8594. How is the expense of maintaining the Brothers obtained?—Some of the Brothers have charge of the National school, which is erected on part of the original tithes, now leased to local trustees for the purpose. Three of the Brothers teach in the National school and four in the other school. The expense of the Brothers is borne by the school fees and by the salaries allowed by the National Board of Education. They are paid as salaried teachers.

8595. There are two schools?—Yes; some of the Brothers are classified teachers under the National Board. They went in for classification after they came here. One had been classified before he joined the Order. The teachers for the Intermediate School are not classified.

8596. How are they maintained?—By the school

fees and by the generosity of the people of the town who purchased the premises, fitted them up, and furnished them, at a cost of about £2,000.

8597. Was that made up by local subscriptions?—Yes, I went from door to door with some of the trustees and collected subscriptions towards getting up this place. I also borrowed some money from the Board of Works. The National Board helped to build the National school.

8598. The National Board could not give help towards the Intermediate school?—No.

8599. Dr. TRAILL.—Is the National school a vested school?—It is vested in trustees. The Catholic Bishops do not wish the schools vested in the Commissioners, but allow them to be vested in local trustees, on certain conditions.

8600. Lord Justice FRYGEMAN.—Your school is vested in trustees; and, therefore, you were entitled to get a building grant?—Yes, for the building of the National school.

8601. Lord Justice NAUM.—How are the trustees nominated?—The mode of nomination is provided by the rules of the National Board. The lease was executed by the Rev. Mr. Martin and me to the local trustees. We held under Mr. Dames-Longworth.

8602. Then the school which you have under the National Board is provided for by a State grant?—It was built in part by the Board's grant, and is supported in part by the salaries paid to the teachers.

8603. What number of pupils attend?—The Brothers only get charge of the National school last year. The average number in attendance last year was 194; but allowance must be made for a visitation of measles. The average daily attendance might practically be set down at between 200 and 220.

8604. Does that represent all the Catholic children?—No; the number on the rolls is 240. [I am not sure whether this is the number on the rolls, as given to me and stated by me, but I shall inquire, if the Commissioners wish]. Before the Marist Brothers came we had an excellent teacher. He was highly qualified, classified as first-class, or first of second. He had only an average of 100 in attendance. We have now an average of about 194. The old buildings were condemned, and the Commissioners gave us a grant for a new site. It seems to me that what is really wanted is an extension of the Intermediate School premises.

8605. Lord Justice FRYGEMAN.—What are these premises?—A private house which had belonged to Dr. Gleeson, and which the Catholics of the town of both parishes purchased. We contracted a loan to help us to purchase them, and the Brothers of the Intermediate School are now in them.

8606. In whom are they vested?—In the Rev. Mr. Martin and me.

8607. And the funds for the purchase were provided by voluntary subscriptions?—Yes, and by the Committee of the town. We borrowed money from the Board of Works and from the bank. I fully expect that the school will more than pay its way.

8608. What fees do you charge?

The Rev. Mr. Martin.—£4, £3, and £2, according to class.

8609. Lord Justice FRYGEMAN.—The average daily attendance at the Intermediate school is 75 boys? Bishop Woodlock.—Yes.

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Most Rev. Dr.  
Woodlock.

8610. What provision is there for female education?—A National school, and a Convent school for boarders.

8611. What order of nuns?—*Les Sœurs de la Sainte Union*. They have a boarding school for young ladies.

8612. That is a good class of school?—Yes; the National school is not in charge of those nuns. The building was condemned, and it has been pulled down. The Board have, in fact, now given us a grant to re-build the female and infant school, which will be under the charge of the sisters. The school is now a temporary one, and under a teacher not highly classified.

To return to the Boys' Intermediate School.—The premises at present are completely inadequate for the purposes for which they are required—the schools are over-crowded, and the Brothers living in the same house. If we had £3,000 or £4,000 we could erect buildings which would be suitable. We would have an increased attendance, which would render necessary the building of an Intermediate school, at a probable cost of £1,000. We also require a laboratory for teaching of practical chemistry. The probable cost of fitting up and furnishing it would be about £500. The additional staff necessary would mean an annual increase in the expenditure of £200. I believe that boys would come to the school from both sides of the river. At present we have three country boys from the Comraght side, and six from this side of the river. The population of Athlone is 4,000. The number of non-Catholics is, I understand, about 100.

8613. Rev. Dr. McEneaney.—Is this the principal school available for the intermediate education of Catholics in Athlone?—It is.

8614. It is attended exclusively by Catholics?—Yes.

8615. There is no public endowment for the intermediate education of Catholics in Athlone?—No. It is only four years since this school has been opened.

8616. Is there a considerable want amongst Catholics in Athlone for intermediate education?—Yes—for the study of the French language, a school in which boys may be educated for the public services for merchants' offices and for various other positions in life. One of my laymen teaches Latin in the school two hours a day.

8617. Lord Justice NAUGHTON.—Is there no Greek taught in the school?—I don't encourage them to go on learning Greek. I prefer that such as require Greek should learn it in a regular college, and that this school should be kept for the boys, for whom it is chiefly intended.

8618. Dr. TRAILL.—Your lordship made a claim on the funds of the Incorporated Society on the ground that they had received £1,000,000. Can you tell us are there any public funds in their hands now?—I don't know. They may have spent their own pocket and spent out of the public pocket.

8619. Can you refer us to any book in reference to it?—There was a book published by Gill and a committee of Catholic gentlemen.

8620. We took a great deal of evidence in Dublin and traced every item of money which they had, and we found that there was no public money now in their hands.—There was a bequest of Baron Vryhovetz of £24,000 and another bequest of £40,000. That was £24,000. Is it fair that the Incorporated Society should spend the public money and economise their own?

8621. Lord Justice FITZGERALD.—This Ransleigh endowment seems to have been a special local endowment by a particular person, of which they were made trustees. We have not been able to find out that this

benefit got even its full share. The endowment is £1,500 per annum in round numbers—£800 for this and £200 for Roscommon. Mr. Baile and his assistants get £240, and the buildings are maintained, so that Athlone has not got even all the private money to which it was entitled. We went through the money matters in Dublin, and found that the Society spent all the public money they got.

Mr. Baile.—I think this institution costs £200 a year.

8622. Dr. TRAILL (to Dr. Woodlock).—I suppose your lordship, after hearing the evidence as to Lord Ransleigh's bequest, would not think of making a claim against it now? I think that after reading this document you must see that it was intended for Protestant boys?—Yes.

8623. Rev. Dr. McEneaney.—If the resources of your Brothers could be enlarged by giving them a share of public endowments they would be able to provide more ample accommodation than they have at present for the education of Catholic boys?—Yes.

8624. Are they at present very much hampered?—Yes, in point of space, and they require greater facilities and appliances for the work they are carrying on.

8625. Dr. TRAILL.—Do they prepare boys for the Intermediate Examinations?—They do. They have already made a beginning. I think they sent five or six, or perhaps ten boys to them.

Canon Meehan, S.S.—You presented yourselves, and six passed.

Most Rev. Dr. Woodlock.—We have a local committee who kindly assist Mr. Martin and me when we want money from the bank. They assist as in obtaining loans. I should be happy to see enriched under some such management as that which your lordship's Commission provided for the Swords School. I would place it in charge of the Bishop's Administrator of St. Mary's Parish and of the parish priest of St. Peter's, assisted by a small committee as in Swords.

8626. Lord Justice FITZGERALD.—If we cannot give you money we may be able to save you money. We can form an incorporated body to hold property devoted to educational purposes with perpetual succession. Your school is a Roman Catholic foundation, and we have no jurisdiction except with your own written consent. If you give us particulars of the property and the heads of what you wish should be done we shall be glad to do whatever you think advisable.

The Most Rev. Dr. Woodlock.—I don't know what funds are at your disposal. If you could make a building grant of £3,000, £3,000, £4,000, or £5,000, or an annual sum we should then be very happy to put our institution in legal form.

8627. Lord Justice FITZGERALD.—Our object at present is to obtain evidence as to the wants of the locality. The great want here seems to be intermediate education, we were fortunate in being able to give some money to Father McNeely, at Swords, but here I know of no fund available for Roman Catholic education.

8628. Lord Justice FITZGERALD.—Did you receive any grant from the Science and Art Department for instruments?—I think they got £35.

8629. Dr. TRAILL.—Mr. Baile did not get any grant from that department for instruments.

Mr. Baile.—I said I should prefer my own instruments, and the instruments in the school are my own.

8630. The Rev. Dr. McEneaney.—The instruments granted by the Science and Art Department remain the property of the Department?—Yes, every year the Inspector comes round.

The Rev. Thomas Martin, Administrator of St. Mary's Parish, examined.

8631. Lord Justice FITZGERALD.—You have been connected with St. Mary's School?—Yes, since its foundation.

8632. The Bishop looks forward to the Intermediate school being able to maintain itself?—We have to

guarantee the Brothers a certain sum for their support. That sum comes out of the fees of the school and is supplemented by the people.

8633. Then the gentlemen who would be responsible for the funds are the local committee?—Yes.

Rev. Thomas  
Martin.

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Rev. Thomas Martin.

8634. What is the expense of the school?—At present there are four brothers engaged, and they receive £50 each.

8635. Lord Justice NAUGHTON.—They live in community?—Yes, there are three brothers attached to the National schools, but their salaries are not equal to their expenses. They are only getting £25 each at present. They only passed the first examination.

8636. Are you under terms to make that up to £100?—According as they classify.

8637. Are the local committee to provide £50 for each?—Yes, they are to increase the salary to £100. We have to furnish the whole establishment. We have to repair the furniture and also to repair the buildings.

8638. Your gross expenditure comes to something like £400 per annum?—Yes, and more. The support of the Brothers costs more than £400, and then there is the cost of the repairs of the establishment.

8639. It would be between £400 and £500 a year?—Yes.

8640. What is the rent of the premises?—£45.

8641. For the National school and all?—Yes. The use for the National school is supposed to be free, but then it is on the premises.

8642. What are the fees?—About £50 a year. The greater number of the children are free. The fees for the Intermediate school are £4, £3, and £2. The higher fees are for the more advanced boys.

8643. Rev. Dr. MOLLOY.—Previous to the establishment of this school was there any attempt to meet the demand of Catholics for intermediate education?—A priest made an attempt but it was a failure.

8644. This school provides intermediate education

for a large number of boys who, otherwise, could not get any?—Yes.

8645. How many day boys are there?—Seventy-five.

8646. Do you think that the numbers would increase if your funds were increased?—Yes.

8647. What are the ages of these boys?—From twelve to sixteen. Some are younger.

8648. Professor DODDGEY.—Of seventy-five, ten entered for the intermediate examinations last year?—Yes.

8649. How many this year?—Many more. I could not exactly say, perhaps three times as many as last year. Twelve were presented for the Science and Art Department examinations, and ten out of the twelve passed.

8650. Dr. TRAILL.—Are any of the boys living out, aside the town?—Some come and lodge in the town.

8651. Have you any boys up to eighteen or twenty years of age?—Few are up to twenty—some are up to eighteen. Some of those boys were neglected in their youth.

8652. Rev. Dr. MOLLOY.—Where do the boys mostly come from?—From the town.

8653. What class of boys are they—sons of shopkeepers and farmers?—Yes.

8654. Professor DODDGEY.—Are any of them sons of bankers?—Yes, one.

8655. What professions are those boys educated for?—For mercantile pursuits, or anything else they choose.

8656. Have you any theological students?—No.

8657. It is principally a day school?—Yes.

8658. Do you teach drawing?—No.

8659. Have you classes in connection with the Science and Art Department?—Yes.

The Very Rev. Canon MONAHAN, F.R., Banagher, Vice-General of the Diocese, examined.

8660. Lord Justice FRIZZGROVE.—Can you give us a statement as to the educational requirements of the laity?—First, I wish to know if I may assume that Lord Banagher's intentions or the main objects of his bequest since it was passed over to the Incorporated Society, are the objects of that society?

8661. The Incorporated Society hold the property for the purposes of Lord Banagher's schools here in Athlone and in Roscommon. I believe they have about a hundred pieces of property in different parts of Ireland held on different trusts.

Rev. Dr. MOLLOY.—You may assume that the Incorporated Society hold the property on the trusts of Lord Banagher's will.

Canon MONAHAN.—Although it was originally a private endowment it is now administered by a public body and for public purposes.

8662. Lord Justice FRIZZGROVE.—Not for public purposes. It was vested in the Society by Act of Parliament of 1 George III., vesting the estates passed by the Earl of Banagher for erecting and supporting two charity schools in Athlone and two day schools in Roscommon.

8663. Dr. TRAILL.—It was a private Act.

Canon MONAHAN.—It appears to me, from the evidence given here, that practically this school belongs to the Incorporated Society, for, according to the evidence, the intentions of Lord Banagher have not been carried out as all. It has practically merged into the Incorporated Society, and it has merged into it although it had a private origin. First of all, the master should be in Holy Orders, and that condition has not been kept.

8664. Dr. TRAILL.—Are you anxious to have that carried out?—Oh, I am not anxious about it.

8665. Do you think that is a reason why they should vary the trusts of the endowment and give it over to another denomination?—That is one reason.

8666. Lord Justice FRIZZGROVE.—The Act provides that the Incorporated Society shall "out of the yearly profits of the lands pay to a clergyman, for the time

being, having care of souls in Athlone, £50 a year for ever, and the like sum to the minister of Roscommon, and out of the remainder of the yearly profits of the lands build good houses in or near Athlone and Roscommon for the reception, maintenance and education of so many poor Protestant boys and girls, as the clear income of the lands will properly maintain." These trusts bind the Society.

Canon MONAHAN.—I put the question to the head master whether he was in Holy Orders, and he said that such a condition was never insisted on.

8667. Dr. TRAILL.—Under that Act it was provided that two clergymen were to be paid £50 a year each, instead of requiring the head master to be in Holy Orders.

Canon MONAHAN.—I am looking to Lord Banagher's intentions, and, according to the bequest, the students admitted should be Protestants.

Mr. BAILEY.—I have nothing to do with the religion of the boys as they come here. I only get an order from the Incorporated Society to admit such boys. I have nothing to do with the appointment of them as Protestants.

Canon MONAHAN.—I only wish to say that the conditions contained in Lord Banagher's will have not been observed. The admission of boys here is not confined to Protestants. The head master has admitted that Presbyterian boys have been admitted.

8668. Dr. TRAILL.—Are they not Protestants?—I don't think they are. When Lord Banagher made his will did the word "Protestant" include Presbyterian?

8669. Dr. TRAILL.—What the head master said was that when the boys came in here they had to be taught as Church children, and considered as such.

Canon MONAHAN.—The boys were to be over seven years of age and under twelve. The head master gave evidence that boys from ten years of age to seventeen were admitted here, and no provision is made for poor boys. There again Lord Banagher's intentions have been departed from, and practically

Very Rev. Canon Monahan, F.R.

April 16, 1888.

Very Rev.  
Canon  
Mendenhall,  
F.R.S.

the school belongs to the Incorporated Society. Then the children were to be taught the true religion, and I take the true religion to be the Christian religion, and on that ground we can fairly rest a claim to a portion of the funds.

8676. Dr. TRAILL.—We should look to the evidence as to the intentions of Lord Ranelagh's will.

Canon Mendenhall.—The Incorporated Society has taken a different view, and has subjected the endowment to its own rules. The Incorporated Society have departed altogether from Lord Ranelagh's intentions, and my contention is that this school comes in under the general fund of the Incorporated Society, and as such we believe we may fairly lay claim to a portion of that fund.

8677. Dr. TRAILL.—Would you hold that a bequest left for Roman Catholic purposes might be confiscated and applied to Protestant uses if its original terms were not strictly carried out?—If there were a parallel case.

8678. This is a private Protestant foundation, and your contention is that the intentions of the founder have been departed from, and therefore that a portion of the funds should be applied to Roman Catholic purposes. If a public body like the Incorporated Society are entrusted by Act of Parliament with the fund, and bring it under new regulations altogether, though still for Protestant purposes, then you say you have a right to lay claim to a portion of the fund for Roman Catholic purposes?—I think that would make a great difference so as to form a judgment as to what ought to be done; if the case were perfectly parallel.—

8679. Lord Justice FRANKLIN.—You would scarcely find a parallel case. How far is Banagher from Athlone?—Seventeen miles.

8674. Have you got a Royal School there?—Yes.

8675. Is Banagher your parish?—Yes.

8676. Rev. Dr. McLEOD.—You don't want to have the endowment of the Banagher School transferred to Athlone?—No, but if it were to be taken away from Banagher I should be glad to see Athlone getting it.

8677. Have you the Marist Brothers at Banagher?—No.

8678. Is there anything further that you wish to add?—No, except that I wish to refer to one point which his lordship, Dr. Woodlock, brought out, that is in reference to the parliamentary grants for the last 160 years. It seems to me that there might be some unexhausted funds arising from them.

8679. Lord Justice FRANKLIN.—We went into that subject in Dublin. The Incorporated Society were trusted by the Government as trustees with power to spend the money. Year by year they received the money. They had charge of chartered schools and they maintained them partly out of their own funds and partly out of the public grants, but there was no accumulation of income from either public or private funds. The money received appears to have been spent from year to year.

8680. Dr. TRAILL (to Canon Mendenhall).—Would you hold that with respect to all the grants made to you for National schools, your community should for all future time be called upon to account for them as public money?—I cannot see the application of the question.

8681. Dr. TRAILL.—The application is obvious. If money be granted from public sources, and be given over to individuals or to societies to be administered along with other funds which have been given for private purposes, is it for all future time to be accounted for as public money?—I say that we are accountable for the property as long as we have it.

8682. Lord Justice FRANKLIN.—With regard to the Incorporated Society's schools the question is immaterial. There is no accumulation of public

money in respect of Ranelagh. It would be a perfectly legitimate subject of inquiry whether they had spent their private endowment by spending the public endowment, but there is no accumulated fund, public or private. Aldermen Dillon and Mr. Canten went into the whole question in Dublin before me.

8683. Lord Justice FRANKLIN.—There was £20,000 in the Court of Chancery in England, and £40,000 also, both private gifts.

The Rev. Canon Mendenhall.—Well, my lord, I think we have a claim to Erasmus Smith's Fund.

8684. Lord Justice FRANKLIN.—That is a different matter. The only benefit given to this neighbourhood is a grant which the Board might withdraw at any time.

The Rev. Mr. Campbell.—I propose nothing as to that.

8685. Dr. TRAILL.—You are ready to take a National Board grant for that instead?—Yes.

8686. (To Canon Mendenhall).—Have you anything to say as to St. Mary's?—I think we have a claim to a portion of that. I find from a Commission which sat in 1834 that there were repeated interpositions by the Legislature in reference to the Erasmus Smith's Schools, and that they may now be considered as public institutions and as a public grant I think we should rest our claim on the members attending our school.

8687. Would you take the money with the conditions attached to it by Erasmus Smith?—Yes.

8688. He states his object to be "to propagate the Protestant faith according to the Scriptures," and under his charter it was provided that "the school-master shall publicly read the Scriptures and pray and catechise the children in Primæ Usher's Catechism." I don't say on those conditions.

8689. Have you a wish to carry out those intentions of Erasmus Smith?—I have not. Not the slightest regard has been paid to his intentions. I find that this advanced stage of the world these intentions have been departed from, and for the future these intentions are to be looked on as being administered, the intention of the donor being departed from.

8690. Are they looked on as Protestant institutions?—As Protestant institutions as administered or as Erasmus Smith's Schools. I don't know how you look on them.

8691. If a Protestant endowment is used for one Protestant purpose rather than for another, do you think it should become a Roman Catholic endowment?—I think that according to the terms of the Act we can advance a very fair claim to those endowments.

8692. Having regard to the spirit of the founder's intentions could you carry out those intentions by devoting the funds to Roman Catholic purposes?—The intention of the founder was to have the English language taught in the school.

8693. And the children were to be educated as Protestants?—Yes, but on that point, perhaps, the founders laboured under erroneous opinions or delusions.

8694. We ought to carry out their delusions, at this matter at least, whatever they were?—He speaks of the true religion, and I find in the same document the words "idolatry" and "superstition," and although they directed Protestant schools to be established I hold that the intention was to teach the Christian religion.

8695. You want to drop the words "Protestant" and "Christian religion" and to give the endowments to Roman Catholics. Erasmus Smith's intention was to predestinate; Lord Ranelagh's was not. Erasmus Smith said in effect:—"If you don't take it on my own terms you won't get it at all."

Rev. James Kelly, Administrator of St. Peter's Parish, Athlone, sworn.

March 15, 1888.

Rev. James  
Kelly.

8598. Lord Justice FERGUSON.—What do you wish to tell us?—There are two distinct parishes—St. Mary's on the Westmeath side and St. Peter's on the Roscommon side. The population is larger on St. Peter's side than on St. Mary's. In St. Peter's there is no provision for intermediate education.

8599. Do boys in St. Peter's parish go to St. Mary's school?—I am sure they do. I am not long here, but I know that there is no provision made for intermediate education. In making any future provision I think St. Peter's should be considered. There is only one school for St. Peter's in the town of Athlone and the girls' National school. As the Protestant rector has mentioned there are only 250 Protestants in St. Peter's parish.

8601. Rev. Dr. MOLLOY.—How is the population divided?—In Connought, 3,691, and in Leinster, 3,545, exclusive of the military. There are at present 250 soldiers, but there is accommodation for 1,500.

8602. Lord Justice NAUGHT.—The average at present attending the National schools is 75 or 80?—That is about the average attending the male National school. The female National school is under the Sisters of Mercy, and the average is about 90.

8603. Do any of the boys require Intermediate Education?—Yes; but they have no opportunity of getting it in St. Peter's parish.

8604. Are any of the boys sent to boarding schools?—No.

8605. Is there a Diocesan school here?—No; there is one in Sligo.

8606. It used to be here?—It used to be at Sarsfield.

8607. Dr. TRAILL.—Do you think there would be room for two Roman Catholic schools in Athlone, one on each side of the river?—Well, that is a thing I have not considered.

8608. Would not a second school have a tendency to injure the Marist school?—I dare say.

8609. Lord Justice NAUGHT.—If you had an endowment would you be able to work it on the Westmeath side?—The Bishop could manage that.

[The Rev. Mr. Kelly then referred to the appendix to the second report of the Commissioners of Education Inquiry, 1856—Parliamentary Papers, House of Commons, 1826-7, vol. xii., and said that two or three Catholic schools had disappeared. In Bolton-street there was an endowment of £50 a year connected with St. Michael's.]

8610. Lord Justice NAUGHT.—Was that an Intermediate or a primary school?—I say there were six Protestants in it and sixty-four Catholics.

8611. Rev. Dr. MOLLOY.—Does it state where the endowment came from?—No.

8612. That was in Roscommon?—Yes. Then

there was another Roman Catholic school in Connought-street. That had an endowment of £17 a year. Twenty-three males and five females, all Roman Catholics, attended it. There were no Protestants attending it. There was another school at Bastion-street described as having an endowment of £26 10s.

8710. Lord Justice NAUGHT.—It is a curious thing that nothing should have been known about this.

The Rev. Canon MOWLA.—That must have been Bastion-street.

8711. Lord Justice FERGUSON.—The endowments are put down as "eight shillings a quarter." Manifestly they are what the teachers got as school fees and not endowments.

Witness.—The rector of Anghrima appeared to state that one-third of those attending his school were Roman Catholics, and that they could be sent on here. That seems to be contrary to the intentions of Lord Rensleigh.

8712. Lord Justice NAUGHT.—He intended that the endowment should be for Protestants.

Witness.—And it now appears to be used for Catholics.

8713. Lord Justice FERGUSON.—We shall now visit the schools. Our Act of Parliament says that where the founder of any endowment has expressly provided for the education of children of the poorer classes of any locality the endowment for such education shall continue. This Rensleigh endowment was given for the endowment of free schools for poor Protestant boys and girls. The school for boys is here in Athlone and the school for girls is in Roscommon, and the management of the endowment has been transferred to the Incorporated Society which is a controlled body. We shall have carefully to consider the objects which the endowment was intended to serve. We must see that poor boys of this locality shall be admitted as day boys, and under favourable terms. This particular trust was for Protestants, not to convert Roman Catholics, but for those already Protestants. Protestants were the objects of the trust, and we must see that they get the benefit of it. As regards the Roman Catholic endowments, I may refer to what was done by this Commission in reference to the endowed school at Swords, and suggest that similar arrangements may be made here for the management of the schools in the hands of Roman Catholics. We can qualify them to obtain any money that may be made available through the State or otherwise. We see the great need that exists of further provision for Intermediate Education, but we cannot create money, nor divert money from its proper purpose, even for the purpose of supplying Intermediate Education when it is badly wanted.

The Inquiry then terminated.

May 12, 1888.

## PUBLIC SITTING.—SATURDAY, MAY 19, 1888.

At the Courthouse, Londonderry.

Present:—The Right Hon. Lord Justice FITZGERSON, and the Right Hon. Lord Justice FRY, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., D.S.C., ANTHONY TRAILL, Esq., LL.D., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, JUN., was in attendance.

## GWYN'S CHARITABLE INSTITUTION AND YOUNG'S BEQUEST.

## CHRONICLE.

Mr. John Cooke appeared as Counsel for the trustees of the Young Bequest, and Mr. J. J. Sloss for the trustees of Gwyn's Institution.

Lord Justice FITZGERSON made an introductory statement.

Mr. J. J. Sloss.—I appear on behalf of the Gwyn trustees, who held a meeting on May 18, 1888, and passed a resolution approving generally of the draft scheme published by the Commissioners, and particularly approving of the principle of amalgamating the Gwyn and the Young Endowments. Mr. Cooke appears for the Young trustees to object to that, and it would be more convenient to hear what he has to say in the first instance.

Mr. J. Cooke.—I appear on behalf of the trustees of the Young endowment to object to the scheme. My clients recognize the ability with which the scheme has been prepared, but they think their views were not sufficiently before the Commission at the former sitting, and therefore ask a hearing of what they consider matters of principle in connection with the separate establishment of these endowments. The trustees of the Young endowment, one and all, are opposed to amalgamation with Gwyn's Institution, and especially the two trustees who are clergymen—the Rev. Robert Ross and the Rev. Robert Nevins. Unfortunately these gentlemen are absent in Scotland, but we have a statement of their views, which I shall read. The trustees of the Young endowment object to the amalgamation of Gwyn's Charitable Institution and the Educational Endowments founded under will of Joseph Young for the following amongst other reasons:—“(a) The same will not extend the usefulness thereof, in our opinion.”

8714, Lord Justice FITZGERSON.—The Young Institution has not got started at all, as I understand, so that there is no question of extending its usefulness.

Mr. Cooke.—The trustees say: “(b) The same is in effect a transfer of Young's property to Gwyn's Institution, and virtually a removal of it from the persons whom the testator himself selected by his will as best fitted to carry out his intention, inasmuch as the nominal representation given to the present trustees upon the proposed governing body is only four out of twenty-two members, and two out of the four are already on the Gwyn's Board. (c) Such amalgamation will practically result in the obliteration and absorption of the Young endowments by the Gwyn Institution. (d) The individuals of a smaller Board would take a much greater interest in the trust (especially when previously associated with it), and administer the same better than a larger body, who, to a great extent, look upon the position as honorary, and leave the duties to officials. (e) The existence of two distinct boards administering trusts with somewhat similar objects would promote a healthy rivalry in a place of the educational importance of Derry. (f) No saving of expense can be shown to justify such amalgamation.”

“In the event of an amalgamation being ultimately approved, we object to the governing body for the

reasons already given, and hold that more power should be accorded to our endowment. We propose that in any matter affecting the expenditure or investments of the property of the Young endowment it shall be necessary to have the approval or consent of a majority of the present trustees of that endowment, viz.—the two ex-officio Governors and the two life Governors (and if the next proposal is adopted, the five Governors then referred to). We also propose that the said trustees should have the power of nominating five Governors in the room of any five (to be selected by lot or ballot) out of the representative Governors named, who should retire (or in the event of this not being accepted to), should have the right of filling the first five vacancies which arise.”

We did not file these objections in any cynical spirit, but on a matter of principle we think the charity can be administered better as a separate institution. Mr. Young clearly expressed his intention that it should be managed as a separate endowment; and unless it can be shown that overwhelming advantages are to result from amalgamation, there is no reason for it. The testator knew the Gwyn Institution. He saw its benefits and he saw its defects. The aim of showing that amalgamation would be advantageous lies on those who support it.

8715, Lord Justice FITZGERSON.—I may save trouble by telling you that we consider the objects of the two funds to be distinct; one is entirely for boys, and the other for girls, and we are prohibited by our Act of Parliament from mixing them up. Therefore, in one sense, there can be no amalgamation. The real question is—Who are to be the governing body? If we can get a good governing body for the one institution why should it not be as good for the other? We are prepared, in framing the Scheme, to provide that there shall be no absorption of the Young charity by reason of its being placed under the same management as the Gwyn Institution.

Mr. Cooke.—I understand the Scheme to propose to conduct two wholly separate institutions under one governing body, and to control two wholly distinct charities by one board. There are only two arguments in favour of that. One is that you may save expense, and the second that you may not have material in Derry for constituting two good boards. We say that if you have two bodies in a place of the educational importance of Derry administering two separate charities, it would promote a healthy rivalry between them that should benefit the charities.

8716, Lord Justice FITZGERSON.—What do you mean by rivalry? One body would have to provide for boys, and the other for girls.

Mr. Cooke.—There is sufficient comparison between them to create a healthy emulation, and, if you hand over the control of both those institutions to a numerous body, a result will ensue such as I believe took place in

the case of the trustees of the Gwyn Institution, who went to sleep over the conduct of the charity, and only waked up to seek power to sell out the whole establishment. You have a variety of reasons in a place like Derry for keeping the two bodies distinct. As to the argument that you would save expense—where is the expense to be saved? Only by having the same building and the same secretary. The whole staff might be different, and it would be impossible to utilize either the building or the ground of the Gwyn Institution for the purposes of the Young charity. The secretary would require his salary to be increased if he acted for both charities, and there is nothing to prevent the two boards employing him on those terms at present. There is no expense for a board-room, because, if the Young Charity is to be carried out, a separate building must be erected. In reference to the saving of expense by utilizing the Gwyn premises, if the Gwyn board are going to sell their building and the plot on which it stands, it would seem undesirable to occupy premises of that class. Other similarly situated institutions took the reverse course. The Dublin Masonic Schools for boys and girls are managed by different boards, and the boys and girls occupy different grounds and buildings, one school is situated close to Dublin, and the other at Glasneagh, miles off. The Masonic School for boys is conducted by one board, and the school for girls by an entirely separate board.

8717. Lord Justice FitzGibbon.—They have only one office and one secretary.

Mr. Cooke.—It is clearly a saving of expense if a secretary can be got to act for the two boards. We ask you to adopt these lines.

8718. Lord Justice FitzGibbon.—The scheme contemplates having the same body to elect governors of both institutions.

Mr. Cooke.—We would have no objection to representatives joining our board in the same way as in the Gwyn Institution.

8719. Lord Justice FitzGibbon.—As I understood, some of the representatives would be the same persons even if we formed separate governing bodies. Remember the question is not the separation of the trust, but whether the governing body for both is to be the same.

Mr. Cooke.—I understood your lordship to ask whether we would allow or wish that the governors of our school should be elected in the same way as the governors of the Gwyn School.

8720. Lord Justice FitzGibbon.—Yes.

Mr. Cooke.—We have no objection whatever to sign against such a mode of election as you propose.

8721. Lord Justice FitzGibbon.—That is a step towards what I was asking. If you have a certain number of seats it means the same, and if you have a certain number of elected trustees, and the electing bodies are the same, unless they choose to elect different people your boards will become the same in spite of you.

Mr. Cooke.—There is no necessity for their being the same.

8722. Lord Justice FitzGibbon.—There is no necessity for it, but if they are the same, don't you think their acts are just as likely to induce healthy criticism as if they were nominally distinct bodies? I have not heard of any advantage to be gained by keeping up a separate body for each place.

Mr. Cooke.—We say no advantage can be shown for amalgamation.

8723. Lord Justice FitzGibbon.—I must say that having the same officers and the same agent to manage the property would be a distinct advantage to my mind. Again, in the working of these charities you really have the same object in view in both. The joint management will save both expense and time and lead to a better selection of objects. Take a body consisting partly of boys and partly of girls. According to your proposal, the boys seek the benefits

of the Gwyn charity, and when they have been elected by the Gwyn Governors, the Young Governors must go over the same ground again as regards the girls, or possibly each may not without regarding the benefits obtainable from the other charity. You get rid of all this by amalgamation.

Mr. Cooke.—The founders' intentions were to have these institutions conducted on a separate basis.

8724. Lord Justice FitzGibbon.—I am with you entirely that the objects are distinct. Mr. Young clearly intended that there should be a Young School for girls, and that there will be in any case.

Mr. Cooke.—It may be said there will, but we would like to know how this scheme is to work. What representation have we on this governing body?

8725. Lord Justice FitzGibbon.—That is another question altogether. If you look at your representation in the scheme in the light of a representation of the Young charity as a sort of separate property, it seems entirely inadequate, but it is to be always borne in mind that the object of forming the body is not to represent any particular person, but to form the body that will best administer the charity. It looks, I admit, as if it tied on the Young charity to Gwyn's.

Mr. Cooke.—It really is handing over these funds to the Gwyn Institution to supplement their own.

8726. Lord Justice FitzGibbon.—No; they could not apply our penny of Young's Endowment to the purposes of Gwyn's Charity.

Mr. Cooke.—No, of course not.

8727. Lord Justice FitzGibbon.—If we had in the Gwyn charity a perfectly managed boys' school under an extraordinary governing body, and a sum of money was given to establish a similar school for the benefit of girls of the same class, *prima facie*, the best thing to do would be to place it in the same hands.

Mr. Cooke.—We say that it would be very much better to have the two institutions working in rivalry, as it were, for there is great fear that notwithstanding all that has been said the Gwyn Governors may go to sleep in the future as they have done in the past; that is one reason why we prefer a separate governing body. Then again the only additional power you have given us in respect of the large endowment is two clergymen associated with us in carrying out the management of the Schools, for the real governing body of the Young charity, according to your Act of Parliament are the persons in whom the fund is vested.

8728. Lord Justice FitzGibbon.—The governing body for the purposes of the Act will be in future not the Messrs. Cooke, but the body to be elected in the manner prescribed.

Mr. Cooke.—The regulation and management of the school are vested in the Messrs. Cooke, and the ministers are not given control of the funds in any way. The administration of the funds of the endowment is clearly in the hands of the trustees.

8729. Lord Justice FitzGibbon.—The estate is vested in the Messrs. Cooke, but their trust is to pay over the money for the purposes of the school to four trustees, and the management of the school is entirely in the hands of those four—the Messrs. Cooke and the two clergymen.

Mr. Cooke.—You propose to raise that number to seven.

8730. Lord Justice FitzGibbon.—Adding three to be co-opted by the others, and three more in case subscriptions should come in. Although the testator died in 1843, the Young Endowment was not made the subject of any inquiry until 1854, and even now nothing has been done to start the charity.

Mr. Cooke.—Referring to the number of the Board, it is the opinion of the existing trustees that a small board would take a far greater interest in administering a charity of this kind than a large board such as you propose. When you have a large body of that kind it is always left to two or three members to do the whole business.

May 27, 1886.

8731. Lord Justice Fitzgerald.—Any large body having the administration of a charity generally do as the Incorporated Society does—appoint a committee of management that has been found to work satisfactorily. If desirable you can have a separate committee to manage each school.

Mr. Cooke.—Appointing sub-committees to manage the two endowments, we say, shows the objection to the whole thing. Now, let me call attention to this fact, that the testator had before him the existing Gwyn Institution when he made the provision for this endowment. He saw how that institution worked, and he could have given this fund to supplement that institution if he so desired; but he did not do so, and he provided that it should not be expended in the same extravagant way as the Gwyn charity.

8732. Lord Justice NASH.—Where does he say anything about extravagance. I cannot find it.

Mr. Cooke.—He saw it in the Gwyn Institution.

8733. Dr. TRAILL.—I have looked through the will and I can't find it out.

Mr. Cooke.—He saw the large sums that had been expended.

8734. Dr. TRAILL.—How do you make that out?

Mr. Cooke.—People that lived with him knew it.

8735. Lord Justice Fitzgerald.—I am afraid we cannot work out his intention of building a house for £500.

Mr. Cooke.—We won't ask you; but I would ask you to infer that the testator never intended his money should go to Gwyn's Institution. There is no reason for handing over the management of this endowment to Gwyn's Governors, on the contrary the way they have conducted their own institution shows that it should not be handed over. They did not ask for it on the preliminary inquiry, and we gave evidence against it. Under those circumstances we say we should have a separate governing body, and that the two endowments should be managed by separate bodies. I come now to the governing body. I ask is it fair to have only give the representation you have given us. I have looked over several Schemes prepared by you in other cases. In the Dublin Working Boys' Home you constituted a board of 13 altogether.

8736. Lord Justice Fitzgerald.—That is a case in which the trustees of two funds came in and asked us to unite the institutions.

Mr. Cooke.—And this is a case in which I wish to show reasons why the endowments should be considered separately. In that case the two Harding trustees named four others, six in all, and they selected a Committee of the Dublin Working Boys' Home of a similar number, and the 12 manage the endowments dealt with in the Scheme. If the government of Young's Charity is to be joined to the Gwyn Institution, you should give us equal representation at least in the same way.

8737. Lord Justice NASH.—There are four ex-officio governors proposed and sixteen representation. How many do you say should represent the Young Endowment?

Mr. Cooke.—We say five.

8738. Lord Justice NASH.—In addition to the two present trustees?

Mr. Cooke.—Yes. But it is distinctly understood that I have been instructed to oppose amalgamation altogether.

8739. Lord Justice Fitzgerald.—If you oppose amalgamation, tell us what you propose as your separate governing body.

Mr. Cooke.—Our wish with regard to a separate body would be to have a body of twelve in all. We have no objection whatever to elect a board on the lines we suggested in our draft Scheme.

8740. Lord Justice Fitzgerald.—Is the Fountain-street Congregation still existing?

Mr. Cooke.—No; it has been transferred.

8741. Dr. TRAILL.—Is the fact that it has a large

endowment your reason for anticipating that there won't be subscriptions towards the institution?

Mr. Cooke.—I think it would be perfectly possible that subscriptions would come in. Some churches are ready to subscribe largely.

8742. Rev. Dr. MOLLOY.—If there is to be an amalgamation, tell us what body you propose to constitute. I suppose you would retain the seven in the original Scheme?

Mr. Cooke.—Yes.

8743. Rev. Dr. MOLLOY.—You propose a body of twelve?

Mr. Cooke.—I would have representative governors selected from the Presbyteries of Derry and the Diocesan Council of Derry.

8744. Professor DOUGHERTY.—Have your trustees considered this proposal?

Mr. Cooke.—Yes.

8745. Professor DOUGHERTY.—Are we to understand that the ex-officio trustees wish to admit members of the Diocesan Council?

Mr. Cooke.—Well, in a general way they have considered the matter, and they said they would have no objection to them joining in a similar manner as on the Gwyn board. I do not mean, however, to include the Rev. Robert Ross and the Rev. Robert New.

8746. Professor DOUGHERTY.—You see it is rather remarkable that having the Gwyn Institution with a mixed governing body before his eyes, Mr. Young constituted an exclusively Presbyterian governing body for this endowment; and it is a serious question whether we can now introduce members of another denomination.

Mr. Cooke.—It is a matter of very great weight. I have a letter from the Rev. Dr. Ross here. We propose to have these seven in our Scheme as Governors, and we have no objection to make the number up to twelve by having representative governors. Here is the letter:—

"Granville, Barwickshire, N. B.,  
May 10th, 1886.

"Messrs. J. and J. Cooke.

"GENTLEMEN,—I have to thank you for your kind letter and for the opportunity you have given me of expressing my objections to the objections and amendments to the Draft Scheme of the Educational Endowments (Ireland) Commission, which we prepared and forwarded in August last. I have now changed the opinions I entertained relative to the above Scheme some few days ago when it was before us for consideration. I still think the objections to the Scheme which we forwarded to the Commission are still, and that the amendments we propose are reasonable and just. I believe the usefulness of the Educational Endowments founded by the will of the late Mr. Young will be seriously impaired by the proposed amalgamation of these endowments with Gwyn's Institution, that is that the endowments would benefit a larger number of destitute female children in the city and suburbs if administered and managed by the trustees appointed by Mr. Young's Will than they will do if the charity comes under the management of the Governing Body to be created by the Scheme of the Commission. I am also of opinion that the Young Endowments, according to the provisions of the Draft Scheme, will not be used in accordance with the intention of the founder. There is no evidence in the will, at least as far as I can now remember its provisions, that any portion of the funds were to be expended in 'enabling and encouraging deserving and capable foundations to receive their education longer than they could otherwise do'—that is, longer than the term of years to be spent in the school, or that any portion of the funds may be given to meet the cost of special or more advanced education or training than that provided in the school. And it is certain that the creation of a Loan Fund from which may be drawn tuition of girls who desire, but are unable without such aid, to obtain an education at a higher school, training institution, or college, is entirely foreign to the intention and wish of the founder of the charity. It would, in my opinion, be a deliberate application of the endowments to ends for which they were not left in trust, and would, to a large extent, frustrate the intention of the testator. The Draft Scheme has been prepared without due regard for the intention and wish of Mr. Young in founding this charity. He meant to relieve the wants of poor girls during the years of their

helplessness and poverty, and to give them such education as would qualify them for such situations as persons in their circumstances would naturally be expected to seek, not to enter colleges and obtain degrees and become members of learned professions. This is to benefit the few capable ones who are able to help themselves at the expense of the many less gifted ones who need the aid provided by this charity. The Scheme furnishes no evidence that the Young Endowment would be more economically managed by the new Governing Body than by the Governors mentioned in Mr. Young's will, or that the management would confer greater benefit on those for whom the charity was provided. I regard the Scheme as an unnecessary interference with the will and intentions of a generous philanthropist and friend of the poor, and its operation would, I fear, be productive of very uncertain good, while it expends a Scheme prepared by the trustees, which would not be essential in its operation and intention, and which would, as far as practically, carry out the intention of the testator. Regretting my inability to be present at the meeting of the Educational Endowment Commission on Saturday,

"I remain,

"Gentlemen,

"Ever faithfully yours,

"R. Ross."

8747. Lord Justice FRYGEMAN.—He wants to prohibit the spending of any money on clever girls in giving them a more advanced education than they can get in the school.

Mr. Cooke.—What he says is, "he meant to relieve the wants of poor girls during the years of their helplessness and poverty, and to give them such education as would qualify them for such situations as persons in their circumstances would naturally be expected to seek, not to enter colleges and obtain degrees and become members of learned professions."

8748. Rev. Dr. MOLLOY.—He shows he does not know the intentions of the testator, for he states the testator's intention to be to provide clothing and education for destitute poor children. There is nothing about destitute children in the will.

Mr. Cooke.—He said the founder wished to sweet a school to clothe and educate so many children under the age of sixteen.

Rev. Dr. MOLLOY.—Yes, and he puts in the word "destitute," which is not in the will.

8749. Lord Justice FRYGEMAN.—All his points are distinctly narrow. His objections are not so much against amalgamation as against giving a good education. He says, "there is no evidence in the will that any portion of the funds may be given to meet the cost of special or more advanced education or training." He would not allow you to assist a clever girl who would show an aptitude for education and a desire to rise above the level of a servant. He thinks he would be going beyond his limit if he allowed you to give better teaching. He says, "It is certain that the creation of a loan fund, from which may be drawn the tuition of girls who desire, but are unable without such aid, to obtain an education at a higher school, training institution, or college, is entirely foreign to the intention and aim of the founder of the charity. It would, in my opinion, be deliberate application of the endowments to such for which they were not left in trust, and would, to a large extent, frustrate the intention of the testator." But this will has left it open to liberal-minded trustees to give a proper education to deserving objects. The trustee does not say his endowment is for children of the lower orders, or for elementary education, and yet this trustee is of opinion that he ought to cut it down to this level and give no advanced education.

Mr. Cooke.—His idea is that the charity should not be merely diverted from the poorer classes of society.

8750. Rev. Dr. MOLLOY.—Why do you say diverted? The founder does not say anything about the poorer classes of society.

Lord Justice FRYGEMAN.—Mr. Ross sums up the whole thing in the next sentence—"He meant to relieve the wants of poor girls during the years of their helplessness and poverty, and to give them such education as would qualify them for such situations as persons in their circumstances would naturally be expected to seek, not to enter colleges and obtain degrees and become members of learned professions." That is the paroloid idea of a charity school.

8751. Professor DOUGHERTY.—Are you aware of his objection to amalgamation is founded on an opposition to pass under a mixed governing body a purely Presbyterian charity?

Mr. Cooke.—So far as I can state, we were willing to supplement the trustees by election. I have not authority direct from the Rev. Dr. Ross to answer the question as to how he proposes to control the governing body.

8752. Dr. TRAILL.—Is it intended that it should be confined to Presbyterians?

Mr. Cooke.—There is nothing about that.

8753. Lord Justice FRYGEMAN.—Well, looking at this will, it is clear, from the fact of his giving large summes, that the testator knew he was ultimately dealing with a large property. The only limit is that the trustees were not to spend more than £500 in providing a schoolhouse, and all the children were to be educated in that house. I would gather that the testator's idea was "I want a substantial house costing £500, for as many girls as the funds will educate. I am going to spend £1,500 a year on them." He does not say they are to be children of the lower orders, and if the will was carried out in its entirety, his idea would seem to be an institution like Finsbury Asylum in Dublin, where a large income would be spent on the institution of a comparatively small institution, and not a more charity school. Mr. Ross's idea would seem to be that he only intended to qualify the girls for domestic service.

Mr. Cooke.—The question is whether the funds are to be devoted to a class of poor girls, or are to go to supplement middle class people in getting a better education.

8754. Dr. TRAILL.—Suppose a girl of the poorer class displays great ability and aptitude for learning, is she not to be forwarded in life?

Mr. Cooke.—I don't think that was Mr. Young's intention. I go on what his intention was as expressed in the will, and what it was known to be, and if we are to be confined to what his intention was, as derived from his will, I think it was entirely confined to the clothing and maintenance of children.

8755. Lord Justice FRYGEMAN.—You could not spend £1,000 a year on clothing and feeding the number of children who could live in a house costing £500.

Mr. Cooke.—But it is to be said that the poorer children of Derry, who stand more in need of this charitable endowment than persons of the middle class, who are to be forced into a university, are to be put out of consideration.

8756. Lord Justice FRYGEMAN.—Certainly not, but I confess to a preference, as objects of charity, to children left destitute by the death, or misfortune of their fathers who were in a good position in life, over children who have been all their lives in poverty. To my mind there is no child so poor or so deserving of assistance as the child whose father was not poor in his lifetime, but who left nothing behind him for his family.

Rev. Dr. MOLLOY.—It was evidently Mr. Young's intention to make provision for children of respectable parents who have been reduced to poverty, and there are none poorer than these. The State provides for the children of the poor, but it does not provide for children of the better class for whom their parents are unable to make provision.

Mr. Cooke.—I am not to be taken as arguing how I would frame the scheme.

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8757. Rev. Dr. MOLLOY.—No, but you are putting a limit on the intentions of Mr. Young.

Mr. COOKE.—I say the intention of Mr. Young was not primarily the case you put at all. His intention was to clothe and maintain as many children as the fund which he left enabled them to do. That necessarily conveys the idea that they were in need of clothing and maintenance and support.

Rev. Dr. MOLLOY.—But not that they belonged to the poorer classes, for unfortunately there are many more destitute than the children of the poor.

8758. Lord Justice NAUGHTON.—How many children could be boarded in a house built for £1,000?

Mr. COOKE.—I think eighteen or twenty.

8759. Lord Justice NAUGHTON.—You propose to devote £1,000 for the erection of a school-house in which some 30 children could be provided for and educated at the cost of some £40 apiece.

Mr. COOKE.—But this house would only be a commencement.

8760. Lord Justice FRINGHAM.—The will fixed £500, and you propose £1,000 as the limit of expenditure on the erection of the house. It is quite clear that Mr. Young meant to have a school in which the children would be maintained and educated, and the fund is ample to supply a want to children who need it most—children of a middle class reduced to poverty. There are many such institutions—Marston's School, and others in Dublin.

Mr. COOKE.—But that is arguing only on the limit of £1,000.

8761. Lord Justice FRINGHAM.—It is arguing it on the basis on which you put 2, for £500 at the date of his will was building for about £1,000 now. I find he gave £500 for the erection of the school-house, for the purpose of clothing, maintaining and educating so many female children under the age of 16 years, as the amount of the fund would admit of. That charity secures a boarding-school—and £1,000 would build a good substantial house that would hold at least 30 children, and the fund would give a first-class education to that number. This shows he did not intend a number of walls and scraps to get what Dr. Ross described as "an education suitable to their circumstances."

Mr. COOKE.—You are assuming that he had in mind the amount to be devoted to this charity, so that according to education each child would cost about £40. I don't think he had that in his mind when he fixed on £500 for the school, or that he thought of what the balance would be. The exact fund that Mr. Young left was £18,500. Since his death, £38,871 of interest on that money has been paid to the legatees, and the shares of the legatees who died were carried over from year to year, amounting only to £5,848, which, by investment, was brought up to £15,610. Mr. Young had not before his mind the amount this fund would arrive at by judicious investment and the death of legatees. I think only two legatees had died up to within about six years of the present time, and then two more dropped off.

8762. Rev. Dr. MOLLOY.—We were told when last here only four had died.

Mr. COOKE.—Yes. I only mention it now on the argument that because he only devoted £500 to building the school, he contemplated the large sum of £40 a year such to be devoted to maintaining the boarders in that school. He thought that small sum would accomplish it, and probably he had also in his mind that this charity would be started earlier than it was.

8763. Rev. Dr. MOLLOY.—Mr. Cooke, do you admit that Mr. Young did not put any limit in his will as to the kind of education to be given, except that it was to be given to female children belonging to Derry, who are in need of it? There is no explicit limitation that I can see.

Mr. COOKE.—There is not, but having regard to the

general tenor of the will, it is evident he did intend to confine it more or less to children of the poorer class.

Rev. Dr. MOLLOY.—That is a matter of interpretation. My interpretation would be that it was for that class of children who wanted education.

8764. Dr. TRAILL.—Would you not assume that if he wanted to give it to the poorer class of children he would have mentioned it?

Rev. Dr. MOLLOY.—I think we may come now to the classes in reference to the trustees. In your original scheme you proposed a body of seven, and I understand it is your wish to adhere to that, but you would be willing to add five more, if the Commissioners thought it desirable.

Mr. COOKE.—Yes.

8764a. Professor DOUGHERTY.—You represent the whole of your trustees in making that statement?

Mr. COOKE.—Well, not altogether.

8764b. Professor DOUGHERTY.—As I understand, your trustees have not considered this question of extending the number beyond seven.

Mr. COOKE.—No, they have not.

8765. Rev. Dr. MOLLOY.—How would you propose the other five should be elected, if they are to be added?

Mr. COOKE.—This is a matter that we have not directly considered. Our scheme was for seven, but we are willing to increase the number by five; and I think it would be advantageous to have the representatives elected from the Presbyteries of Derry, as proposed by the Scheme for the amalgamated endowments.

8766. Dr. TRAILL.—Is there to be any representation of the Church Diocesan Council?

Mr. COOKE.—Well, that is a matter I cannot answer in the absence of Dr. Ross.

8767. Professor DOUGHERTY.—Do you think we should have any regard to the fact that the founder of the charity intended an exclusively Presbyterian governing body?

Mr. COOKE.—You can alter it to a certain extent.

8768. Rev. Dr. MOLLOY.—We may take it, then, that the seven mentioned in the original Scheme you propose to retain, but that your body would not object to five more to be elected in such manner as may afterwards be agreed on?

Mr. COOKE.—Yes.

8769. Rev. Dr. MOLLOY.—Would they object to a Roman Catholic representative on the Board?

Mr. COOKE.—That is a matter I am not prepared to answer, but I think they probably would.

8770. Lord Justice FRINGHAM.—I suppose you don't press the objection as to spending the money on any thing but elementary education? Would your trustees object to have a power, by a capital outlay of £1,000, to establish a boarding house, without a teaching staff—such as the Methodists have in Dublin—they have a small endowment, and send their children to the Training College in Kildare-street, and have made provision to send them to the Alexandra College and places of that kind. A house that, as a boarding school, could educate only twenty pupils might, as a boarding house, accommodate thirty or forty children. Some of these would be young, and would receive suitable instruction in a good National School, while others would be able to go to better schools, such as you have in Derry, if you paid fees for them.

Mr. COOKE.—That is a matter we have not considered. So long as these things are permissible we don't object to them. I am sure if that would be an advantage for the Young charity, they would not object.

8771. Professor DOUGHERTY.—Have you not got an excellent elementary school in the Model School, which you could use?

Mr. COOKE.—Yes; but we think a separate education could be formed for the endowment, in the shape of technical education to girls of a certain class.

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5772. Professor DOUGHERTY.—If you proceed to take these children into your school and train them technically, would you not first have to give them an elementary education, such as is to be obtained in the Model School?

Mr. Cooke.—Yes.

5773. Professor DOUGHERTY.—The question Lord Justice Fitzgerald put to you was, whether you could not get that elementary education outside—say, in the Model School?

Mr. Cooke.—I have answered that question by saying to a certain extent you could, but you could not get technical education—education in sewing and other things of that sort.

Lord Justice Fitzgerald.—You will get all that under the National Board.

5774. Rev. Dr. Mottet.—Would you not consider technical education necessary for a girl preparing to be a schoolmistress or a governess?

Mr. Cooke.—I would not, but I might be wrong altogether.

5775. Rev. Dr. Mottet.—There is a certain ambiguity about the words "poor children." Would the trustees have any objection to have the money used for children of parents in reduced circumstances?

Mr. Cooke.—I don't think they would have any objection. I don't know whether you will decide now or hold the matter over for further consideration.

5776. Rev. Dr. Mottet.—We should like to hear the other side.

Mr. J. J. Shaw.—As to all my learned friend has said about the constitution of the separate governing body for the Young Institute, we have nothing to say if the endowments are to be separate; but in reference to the scheme for amalgamation, the Gwyn trustees, although they did not ask that the two trusts should be amalgamated, having had the joint scheme before them, and considered the whole matter deliberately, came to the conclusion, and passed a resolution that they considered it would be for the benefit of both endowments, and for their usefulness, that they should be amalgamated, and that they should be governed by one governing body. It seems to me that the objections of the Young trustees against the amalgamation have no ground whatever, and were drawn up under a misapprehension of what the proposed amalgamation is. The two chief objections are—first, that the amalgamation is a transference of the trustor's property to the Gwyn Institution; and secondly, that the amalgamation would practically result in the obliteration of the Young endowment. That seems to be an entire misapprehension of the scheme, because the Gwyn Institution is an institution for the education of boys. There is no proposal that any part of the trustor's property should be appropriated to the Gwyn Institution. It is intended to have a separate institution for the girls. The Gwyn Institution, so far from absorbing the Young endowment, would have it applied side by side for the education of girls, and for purposes entirely distinct from the Gwyn endowment, keeping the two endowments separate, but having them managed by one governing body. The real question we have to consider here is—whether it would be more expedient and more beneficial that the two endowments should be under the control of one body. There seem to be obvious considerations in favour of having one body and not two managing these two endowments. The two endowments are in their character almost identical, except that the one is for the education of male children and the other for the education of female children. In all other respects the two endowments are exactly alike in character, and the circumstances in which they are to be applied. If you already have in existence or have formed the best body that can be found for the application of the endowment for male children, it seems rational that that same body should be selected also to administer the endowment for female children. Separate govern-

ing bodies will lead to a large additional expense while if you confine the management of the two institutions to one body there will be very great economy. The same set of officers; the same building; the same agency for the investment and management of the property will do for both, whereas if you have two distinct governing bodies you must have two secretaries, two sets of people looking after the education of the children, and two separate agencies for the management of the property. There is another matter which seems very important, that there should be as far as possible, in the city of Derry, something like unity and harmony in the administration of these two funds. We have two distinct bequests, practically, for the same class and purpose, and it would be extremely awkward and inconvenient if you had two distinct bodies managing these funds. You would have diverging principles and you would create great discontent. For example, if one body held that the female children of a particular family were fitting objects of the Young charity, and the Gwyn Body held that the male children of the same family were not proper recipients of their endowment, it would lead to great irritation and discontent if there was any manner of conflict as to who were proper objects of the charities. Derry is not a very large place, and the number of men who are most competent for managing institutions of this sort is somewhat limited, and unless you have the same men upon both bodies—and in that case there would be no need for separate bodies—you would have one institution, perhaps, with a better management than the other. If you get the best men to be had all on the one board, you must have inferior men on the other, unless you take the same for both and then the reason against amalgamation would fall altogether. For these reasons the trustees of the Gwyn Institution support the scheme for amalgamation. It does not seem to them that there is anything in the suggestion that a small board would take a greater interest in the institutions than a large one. That objection was raised not to amalgamation, but to the constitution of the new trustees; and as to rivalry between the two institutions, I don't know what rivalry could possibly tend to the benefit of either. They are not trading institutions competing for custom. They are two charitable institutions conferring benefits on children in need of aid, and any rivalry between them would inevitably tend to the injury of the charities, for it must lead to an inefficient application of the funds. That is really all we have to say on the question of amalgamation, but there are some details of the scheme as to which we propose amendments.

5777. Lord Justice Fitzgerald.—One point that seems to trouble Mr. Cooke is, that a governing body of twenty-two would be too large. As a matter of fact how many of the Gwyn governors really take an interest in the institution?

Mr. Shaw.—I am not able to tell you, but Mr. Cooke, who takes a great interest in it, says one-half.

5778. Lord Justice Fitzgerald.—In small bodies the work generally devolves on one or two men, but where you have a large body a working committee of their best men can be selected.

Mr. Shaw.—There is a committee of the Gwyn trustees who superintend the actual management and working of the charity, and they meet oftener than the trustees—about once a week.

Lord Justice Fitzgerald.—I wish you could see your way to keep up the distinctive character of these institutions, both in memory of the founders and because they are distinct things. We all feel that there would be great waste in having separate governing bodies and separate staffs.

Mr. Shaw.—There might be a committee specially to take charge of the Young endowment and a committee to take the active management of the Gwyn institution.

5779. Rev. Dr. Mottet.—Would your governors

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be disposed to meet the proposition from the other side, namely, that in case of amalgamation the Young board should have a larger representation than is proposed in this scheme?

Mr. Shaw.—There is a difficulty in that, for we have to deal with existing trustees, and the proposal made by Mr. Cooke is that five of the existing trustees should retire and that the Young trustees should nominate five in their place.

8780. Rev. Dr. MOLLAT.—That particular way of carrying out the scheme adds to the difficulty, but would your body object to a larger representation of the Young trustees, for if they agreed to that we might find a way out of the difficulty?

Mr. Shaw.—The Gwyn trustees cannot find out what is the meaning of the objection.

8781. Rev. Dr. MOLLAT.—At present there are two bodies, each having the exclusive management of a large endowment. One of these bodies, if they be amalgamated under the proposed scheme, would have a very much larger representation than the other, and there is a possible danger that the views of the trustees representing the Young endowment might be overborne by the trustees of the Gwyn institution.

Mr. Shaw.—The Gwyn trustees fail to see why they should have any special interest in the Gwyn endowment more than they would have in the Young endowment. They think they would be equally interested in both, as the endowments would be under the management of a board having no interest in one fund more than in the other.

8782. Rev. Dr. MOLLAT.—Even in the selection of pupils the Gwyn representatives would practically, if they wished to exercise it, have the power of selecting the pupils for both institutions.

Mr. Shaw.—No doubt.

8783. Rev. Dr. MOLLAT.—It might be that the representatives of the Young institution would be in favour of providing for one family and the Gwyn representatives for another; and it would seem hard on the Young representatives that they should be overborne by the Gwyn representatives.

Mr. Shaw.—If you have a united board no conflict of interest can arise, and even if it did the new members in who would be interested in both institutions might be relied upon to counteract any such influence.

8784. Dr. TRAILL.—Suppose the nomination of a girl was left to seven of the body, and that four of these were Gwyn representatives, would not that give them the majority and controlling influence?

Mr. Shaw.—No doubt; but that contingency cannot arise where you have a united board interested in one institution as much as in the other.

8785. Dr. TRAILL.—Would it not be reasonable that the trustees of the Young endowment should have an equal voice?

Mr. Shaw.—No doubt a large concession should be made.

8786. Lord Justice FRANKLIN.—If we create two separate bodies, we cannot find any warrant in Mr. Young's will for putting on an Episcopalian representative on the governing body of his endowment, for though Church Protestants are nearer to Presbyterians than to Roman Catholics, the argument that might be used for putting on the Protestant Bishop might not unreasonably be used to bring in a Roman Catholic also. Then if we keep the Young endowment under exclusively Presbyterian management, unquestionably, if a Presbyterian family applies for help from the Gwyn endowment, the Church people on the Gwyn body may be unwilling to acknowledge their claim and may tell them they have a better claim on the other people, and vice versa.

Mr. Shaw.—The trustees of the Gwyn endowment are entirely in favour of the principle of amalgamation. They are willing to concede a great deal to the Messrs. Cooke, but they do not see the meaning of

keeping up a perpetual difference of representation between the two wills. The two charities ought to be of equal interest to all the members of the Governing Board; and we propose to extend the provision in the scheme by which the Messrs. Cooke will be life governors and have the power to nominate successors.

8787. Lord Justice FRANKLIN.—If we do form an amalgamated body, the perpetuation of the distinction between the Gwyn trustees and the Young trustees will keep up the inequality of the founders.

Mr. Shaw.—Some difficulty may arise in reference to the question of co-option—whether it is the whole body or each separate body that is to co-opt.

Mr. Cooke.—There are on the board at present people of different denominations, and if the Young trustees pick out the members of one particular denomination, they may have an insufficient number for the others.

Lord Justice FRANKLIN.—We never sign these schemes without letting the parties see them, and when you see the names this point can be disposed of.

8788. Professor DENHAM.—Is there any vacancy on Gwyn's Governing Body that could be filled by one of the Young trustees?

Mr. Shaw.—There is no vacancy at present. I think the matter can be settled by making it a matter of co-option by the whole body. There is another thing I desire three or four amended. We want to make it compulsory on the Diocesan Council to proceed to an election at a proper time.

8789. Lord Justice FRANKLIN.—We will provide for election within proper time.

Mr. Shaw.—In clause nine we wish to put in—"to provide clothing and maintenance, or education alone."

8790. Lord Justice FRANKLIN.—I hope you do not want to cut down your power of boarding out.

Mr. Shaw.—We ask for that power.

Mr. Cooke.—We do not ask it.

Lord Justice FRANKLIN.—But it can't harm you—the power is only permissive, and you may find it the cheapest and best in the end.

8791. Mr. Shaw.—In reference to clause ten we are of opinion it ought to be made more distinct. Some powers are merely discretionary which ought to be compulsory.

Lord Justice FRANKLIN.—We can settle that.

8792. Mr. Shaw.—In clause eleven, in reference to the election of Foundationers, we think if applications are to be sent in within a week of the election, the public who are interested ought to have a month's notice.

Lord Justice FRANKLIN.—You ought not to have an election more frequently than half-yearly.

8793. Mr. Shaw.—The trustees are of opinion that the notice of the manner and form of election is too vague. It would be sufficient to say that public notice be given of the time and place of election, and that papers can be had of the secretary.

Lord Justice FRANKLIN.—You must give public notice of each election.

8794. Mr. Shaw.—In section twenty-one, in reference to receiving aid from the Commissioners of National Education, the trustees desire power to withdraw their connection from the National Board, or any other body, whenever they please. As to clause twenty-three they think the chaplains' salaries should not exceed £10 per annum each.

8795. Rev. Dr. MOLLAT.—Are they afraid to take a discretionary power to fix the salary?

Mr. Cooke.—We want a discretion as to whether we shall appoint chaplains at all.

8796. Lord Justice FRANKLIN.—As regards the appointment of chaplains to the Gwyn Institution, there is some difficulty; for the testator said no chaplain was to visit the school without the permission of the governors, and the governors have agreed not to give that permission, as I understand. As he is

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greatly provides that all persons, without religious distinction, shall be admissible to his institution, would it not be right that the trustees should be bound, if they nominate a chaplain at all, to nominate one for each persuasion?

Mr. Stow.—We have no objection to appoint chaplains, but we think there ought to be a limit to the salary.

8797. Professor DOUGHERTY.—Do you propose to fix a minimum limit as well as a maximum?

Mr. Stow.—I think if you say not to exceed £10 each it will do.

8798. Rev. Dr. MOLLOY.—What is your reason for objecting to a discretionary power in fixing the salary?

Mr. Stow.—It might give rise to a great deal of discussion.

8799. Professor DOUGHERTY.—The clergy don't fare so well in the matter of money at all events; but difficulties might arise if you were left a discretionary power. One chaplain might get more than another.

Mr. J. Cooke.—We would not object to have each chaplain get the same money.

8800. Dr. TRAILL.—You might put in as a limitation "if the chaplain is disposed to act." Suppose there was no chaplain undertaking to go to you at all?

Mr. Stow.—I don't suppose we would pay any money then.

Mr. J. Cooke.—We say that, where the building is kept at present, with fifty children in it, £10 would be ample to pay each chaplain for looking after their spiritual wants.

8801. Rev. Dr. MOLLOY.—How much is that a week?

Mr. Cooke.—It would be 15s. a piece.

8802. Rev. Dr. MOLLOY.—Would it answer then if we put it that the salary was not to exceed a certain sum per head for each child?

Mr. Cooke.—We have no objection. We only want not to let the religion give the power to have the funds taken in this way.

8803. Lord Justice FITZGERSON.—There is certainly a strong motive to put on a limit, but it ought probably to be a double limit—proportionate to the work done.

8804. Professor DOUGHERTY.—If this endowment were in Dublin I might think it was necessary to put a limit on the chaplain's salary, but from my experience of Derry I should say the governors are perfectly capable of protecting themselves against clerical pressure.

Mr. J. Cooke.—We are satisfied by putting it before you.

Mr. Cooke.—We desire that the employment of chaplains should be left discretionary to us, for it might be more convenient that the children should attend their own Sunday schools.

8805. Lord Justice FITZGERSON.—I should be more inclined to do what we did in the Bertrand School, Dublin, where there was no salary; we provided that the children should attend their own places of worship and attend religious instruction under their own clergy, and then the clergy would have to look after them.

Mr. Cooke.—We don't wish to be threatened with the salary of chaplains when there might be no need for them.

8806. Lord Justice FITZGERSON.—In the Gwyn Institution you don't admit chaplains at all?

Mr. J. Cooke.—No, but we don't object.

8807. Lord Justice FITZGERSON.—Of course the Roman Catholic chaplain would consider himself bound to attend and look after his own flock if the other chaplains were admitted; but if full security is given that the children of all denominations shall attend

their several places of worship and be at liberty to receive religious instruction from their own clergy, we might leave out the salary.

Mr. J. Cooke.—If you leave it out altogether, let there not be power to appoint chaplains.

8808. Lord Justice FITZGERSON.—You need not pay them.

Mr. Cooke.—We think to leave the appointment discretionary would be best.

8809. Rev. Dr. MOLLOY.—Would you be prepared to adopt a clause providing that as long as Catholic and Protestant children are elected there shall be a chaplain—each denomination with a chaplain?

Mr. Cooke.—Of course they could receive instruction.

8810. Rev. Dr. MOLLOY.—But would you object to have them taught?

Mr. Cooke.—No; but we don't see the necessity of chaplains visiting the institution. We would prefer to let the children go out for instruction.

8811. Rev. Dr. MOLLOY.—They would want religious instruction of some sort every day.

Rev. James CARMICHAEL.—There is a provision in Mr. Gwyn's will for giving religious instruction, and the trustees must provide for that. The Gwyn trustees are prepared to appoint chaplains for all denominations, and it seems but reasonable that if a clergyman goes to give that instruction at the institution it is an addition to his ordinary duties, and he ought to be remunerated for it in some way.

8812. Lord Justice FITZGERSON.—If you once lay down that you may exclude clergymen of any denomination, you ought also to exclude the children belonging to it.

Mr. Cooke.—We don't want to exclude them at all, but just to have it left discretionary.

8813. Lord Justice FITZGERSON.—If you have in the school a Church child you could not give a discretionary power to governors not belonging to that denomination to prohibit a Church chaplain from coming in.

Professor DOUGHERTY.—It would be a very unfortunate thing if amalgamation took place and the Young representatives should dream of excluding a large section of the population now receiving benefits from the Gwyn Endowment.

Mr. Cooke.—They have no idea of anything of the kind.

8814. Professor DOUGHERTY.—I know they have no idea of it, but if the appointment of a chaplain be left discretionary that may prove the practical result.

Mr. Cooke.—They can receive instruction by attending their own chaplain outside.

8815. Professor DOUGHERTY.—In the Gwyn institution half the children are Catholics, and what the scheme proposes is that the Roman Catholic clergymen should have access to those children, and that you should not have power to exclude him.

Mr. Cooke.—We think you should put all on the same footing, and let them get instruction outside.

8816. Lord Justice FITZGERSON.—There is nothing more reasonable than to provide that, when a clergyman of any denomination attends to give instruction, the children of his denomination should be brought to him by themselves, or that in case a child was ill he should be allowed to see it. In the alternative, don't take the children at all if you won't give them religious instruction.

Mr. Cooke.—If you could give the alternative in the case of sickness and cases of that, but otherwise I have a pretty strong feeling to exclude all clergymen.

8817. Lord Justice FITZGERSON.—What is there objectionable in each of the chaplains coming separately and catechising his own children? If you had

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this discussion, you speak of, and exercised it adversely to one denomination of children, the immediate result would be that they would be all withdrawn from the school.

Mr. Cooke.—The only way I can answer that is that all would have an equal opportunity of attending their own Sunday school.

8818. Rev. Dr. MOLLOY.—Do you propose that no religious instruction whatever should be given within the walls of the building, or do you propose that religious instruction should be given within the walls to children of one denomination but not to those of another?

Mr. Cooke.—No, we do not.

8819. Rev. Dr. MOLLOY.—Then what do you propose?

Mr. Cooke.—We propose that religious instruction should be given to them outside.

8820. Rev. Dr. MOLLOY.—Then inside the walls of the institution you propose that no religious instruction should be given at all?

Mr. Cooke.—That the chaplain who calls should be given the power of coming in.

8821. Rev. Dr. MOLLOY.—How do you propose then to give the religious instruction?

Mr. Cooke.—The teacher of the children can bring them out for it.

8822. Rev. Dr. MOLLOY.—That is fact no religious instruction should be given inside.

Mr. Cooke.—That it is to be left discretionary.

8823. Rev. Dr. MOLLOY.—How is that discretion to be exercised—is the schoolmaster or schoolmistress to give no religious instruction? Will the children be taught to say their prayers each day, or is it only on Sundays they are to say them?

Mr. Cooke.—They can get religious instruction outside.

8824. Rev. Dr. MOLLOY.—And not inside?

Mr. Cooke.—Yes.

Lord Justice FRYGIBSON.—One of your proposals is to take children in at five years of age—surely they would want some one to look after their spiritual welfare inside the school.

8825. Rev. Dr. MOLLOY.—Then the practical result of your proposal would be, that you would have Protestant school-masters and other teachers in charge of the children, and that all the Protestant children will be taught their religion inside the walls of the institution from day to day, and the Catholic children will be allowed to go out for religious instruction on one day in the week.

Mr. Cooke.—They can go out every day in the week if they wish.

8826. Lord Justice FRYGIBSON.—I would say don't elect them at all if you don't teach them, and if you do elect them let some one be responsible for their religious education.

Mr. Cooke.—All I want is to have certain limitations.

8827. Rev. Dr. MOLLOY.—What I would propose is that if you resolve children of different denominations, you must make provision to give them religious instruction according to the principles of their own denomination.

8828. Lord Justice FRYGIBSON.—That scheme has been put into many of our schemes, and there was never any objection to it up to the present. It seems to me that the only other alternative is that they should be brought up without any religious instruction at all.

Mr. Cooke.—Of course if you think it desirable I can only say it would be equally essential that we should be compelled to pay the clergymen to whom the children walk across the street to their prayers.

Mr. Shaw.—The Gwyn trustees think the Loan Fund proposal a speculative thing. To take a power to give a loan to young women to advance their educa-

tion, would give rise to canvassing and would be inconvenient. They think if assistance was to be given for such a purpose, it should be by some form of examination.

8829. Lord Justice FRYGIBSON.—A girl going out on the world at the age of sixteen is helping, and at that age a small sum enables a child to go on, and that is all the Loan Fund provides for.

Mr. Shaw.—The Loan Fund is for the payment of tuition fees—for the purpose of obtaining an education in higher schools—surely girls who are qualified to take the advantages of higher schools ought not to be pushed forward at the expense of those less fortunate who are not qualified for a higher school, but require elementary education. We are opposed to this.

8830. Lord Justice FRYGIBSON.—The evidence we got on this point was, that if there was any money over at the end of this year it could be usefully employed in procuring a higher education for girls who showed an aptitude for it—the same as in Cambridge.

Mr. Shaw.—There are objections which the trustees see. One of them is that it is proposed to give a loan to girls who are not foundationers at all—who are outside. In the second place they think that the loans are to be given entirely without reference to the educational standard of the applicant, and would thereby become a matter of favoritism.

8831. Professor DOUGHERTY.—This will be a matter for the Young trustees.

Mr. Shaw.—I am going on the assumption that there is to be amalgamation, and that the Gwyn trustees will have their share of this trust fund.

8832. Lord Justice FRYGIBSON.—I suppose you will have no objection to insert a provision to provide them with appropriate fees?

Mr. Shaw.—No, if it is confined within the objections I have stated.

Mr. J. Cooke.—The objection is that the whole thing might be decided without regard to the abilities of the child, or whether it was likely to make progress or not.

8833. Lord Justice NAUGHTON.—Do you wish it confined to pupils of the school?

Mr. J. Cooke.—We are not particular. We understand a loan fund of this character is often subject to considerable abuse, and we object to it on that ground.

8834. Lord Justice FRYGIBSON.—There ought to be a limitation that it should never interfere with the other objects of the endowment.

Mr. Cooke.—On the part of the Mount Cooke I may mention that they had a conference in regard to the funds with the trustees of the Gwyn institution who consented to the amendments I have handed in.

8835. Lord Justice FRYGIBSON.—How many amendments are to drop now?

Mr. Cooke.—One-third of the original number.

8836. Lord Justice FRYGIBSON.—There would be enormous expense in postponing the vesting of the legal interest in the Young fund in a corporate body under the scheme until all the amendments cease, for you would have to take out letters of administration, and would have great difficulty and expense in getting administration, as it is a charity trust. Do you object to vest the legal estate in the funds immediately in a corporate body?

Mr. Cooke.—We do not. We have agreed to the amendments on all but clause 7. In the interest of the legacies we think the investments should be retained in the hands in which they are at present, so long as the representatives exist. The amendments have been all drawn to carry out that.

8837. Lord Justice FRYGIBSON.—In all probability the ultimate survivors will be one or two annuitants. You wish to keep up a personal representative of the last surviving trustee, so long as any annuitant lives.

Mr. Cooke.—We can't ask to carry it further than the executor of the present trustee.

8838. Lord Justice FITZGERSON.—That is reasonable.

Mr. Cooke.—There are other objections, but if there are to be two separate boards it will not be necessary to raise them.

8839. Rev. Dr. MOLLOY.—I suppose you would like it to be accurately provided that the property of Young's trustees should not be disposed of except with the consent of the governors representing that endowment.

Mr. Cooke.—Certainly; and some of the amendments we suggested went that length.

8840. Lord Justice FITZGERSON.—We will let the investments remain in their present state so long as the majority of the Young trustees think proper, and put in a provision that there shall not be a change of the existing investment during the lives of the Messrs. Cooke without their concurrence.

Mr. Stowe.—There is another point in reference to the provision for the appointment of a master. (Clause 38 at the bottom of page 14 and top of page 15 gives power to the governors to appoint the officers. This will provide that the master and his assistants shall be Protestants, or Protestant Dissenters, and the trustees of the Gwyns clearly think that ought to be copied into the Scheme.

8841. Lord Justice FITZGERSON.—We are clearly of opinion that there must be distinct institutions, because the objects are different—the Gwyns School being for boys, and the Young School for girls. The property that belongs to each of these institutions will necessarily be preserved for its own use only. The only joint charge that will fall on the property of the two will be any charge incurred for the benefit of both, such as the cost of management, as to which there might be a considerable saving if they were managed together. But you have the institutions separate,

and the property separate, and accordingly separate accounts will have to be kept. Then comes the question—who is to administer them? As long as there are private trusts for annuities under the Young will the trust of administering the will is given to the Messrs. Cooke, and they must have, in the administration of this property, a dominant position. The question thus resolves itself into this—whether the ultimate governing body, who will have two sets of property and two sets of trusts, is to be one or two. If you can get the two properties managed by the same gentlemen, with the same staff and the same agent, anybody will see the advantage. Can we create one governing body? My own opinion is that the advantages are so great in having only one governing body, that we ought not to abandon the attempt to get it; and therefore I think we should recast the Scheme for the purpose of securing that object, at the same time preserving the rights of the Messrs. Cooke, the executors appointed by the testator, and keeping up the trusts of the separate property. We will not sign the Scheme until both parties have seen it, and if we fail to come to a final solution we may be driven back to separate the two Schemes, but I do hope we will not have pressure put on us by the Messrs. Cooke to do so. Mr. Reid will please send us a schedule brought down to date of the property constituting the Young endowment. We also want a list of the annuities that still survive, and the accounts for the last year. Mr. Cooke will kindly send marked in the list of the existing Gwyns trustees any names that he would desire to have elected as Young's trustees in the event of our having separate bodies. We wish to have the names of the existing governors, and additional names, up to the number of twelve, from which to select governors of the Young charity. As regards the Gwyns fund, we would wish to be furnished with the latest schedule of the property.

The inquiry terminated.

May 19, 1888.

## PUBLIC SITTING—THURSDAY, JUNE 21, 1888.

June 21, 1888

At the School, Oldcastle.

Present:—The Right Hon. Lord Justice FITZGERSON and the Right Hon. Lord Justice NAISH, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., D.C., ANTHONY TRAILL, Esq., M.B., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, Junr., was in attendance.

### OLDCASTLE ENDOWED SCHOOL.

WILLIAM JOHN DE VEE, Head Master, sworn.

8842. Lord Justice FITZGERSON.—When were you appointed head master of the boys' school?—On December 1, 1867.

8843. You were selected from a large number of candidates?—I believe so.

8844. Who appointed you?—The trustees.

8845. Where were you trained?—In St. Patrick's Training college, Drumcondra.

8846. How long were you in training?—Ten months.

8847. What class have you under the National Board?—First division of the first class.

8848. Dr. TRAILL.—I thought you should have been a certain number of years under the National Board before you could get that class?—I had ten

years' experience before I went into the training college. I was in Louisa and in a school in Killeenore, and was second division of the first class there.

8849. Lord Justice FITZGERSON.—After that service you went to Drumcondra Training college and spent ten months there?—Yes; at the end of the year an examination was held by the Board, and, as the result of that examination, I got first division of the first class.

8850. In what year were you in Drumcondra?—In 1866. I had more than ten years' service. I was appointed under the Board on the 1st July, 1874.

8851. What is the number of boys on the roll here?—Two hundred and twenty-seven.

8852. What is the average attendance?—On the

William John De Vee.

June 11, 1886.

De Vos.

21st May last it was 1250; but that is a reduced attendance. There had been an epidemic for two or three months in the locality that considerably reduced the attendance.

8853. What would you regard as the normal attendance?—I imagine 145 or 150.

8854. There is an infants' school in the building to which the younger boys go?—Yes.

8855. Of your boys how many are in the sixth class?—Twenty-four on the roll of that class, of whom eleven are in attendance to-day.

8856. How many are in the fifth class?—Fifty-four.

8857. Have you any monitors?—Yes, three.

8858. What is your staff besides yourself and these three monitors?—Two assistant masters and seven trustees' monitors in addition to those allowed by the National Board.

8859. Two assistants and three monitors is the staff allowed under the rules of the Board?—Yes.

8860. And you have seven trustees' monitors?—Seven besides.

8861. What are your emoluments?—Seventy pounds a year class salary from the National Board; £10 a year for coal and light, and £10 a year for acting as secretary from the trustees.

8862. Besides that you have a residence?—I have a residence; about half the dwelling-house—I have five rooms and a garden.

8863. Have you anything to do with the management of the land?—No.

8864. Your duties are entirely in the school?—Confined to the school, and to acting as secretary for the trustees.

8865. How often do they meet?—Quarterly; sometimes they call special meetings.

8866. Is there any teaching in the school beyond the National Board programme?—Nothing beyond the extra subjects that are recognised by the National Board.

8867. What are those extra subjects?—Latin, Greek, French, Drawing, and Music. I give an extended course myself to the tender boys in Algebra and Euclid.

8868. How many are learning Latin and Greek?—About seven, but I think the number will increase by-and-by.

8869. You have results sent from the National Board?—Yes.

8870. How much did your results fees come to?—The results fees for the last year amounted to 267 1s. 5d. from the board of guardians—this is a contributory union—and £29 7s. from the National Board, £156 8s. 10d. altogether.

8871. Dr. TRAILL.—For your side of the school only?—Yes; for my side only.

8872. I thought you were only appointed on the 1st of December last?—I am speaking of the results fees of the school for the last twelve months. I am not speaking with regard to myself.

8873. Lord Justice FRYGIMAN.—What distance do the boys come from to attend the school?—I think within a radius of three and a half or four miles.

8874. The original endowment was for the parishes of Oldcastle, Loughcorry, Moyla, Killa, and Killybride; have you boys coming from all those districts at present?—I don't know the parish of Killybride under that name. It is Mount Nugent. We have boys from Mount Nugent.

8875. Are there any school fees?—Yes, for those outside the parishes of Oldcastle and Moyla, but they are very inconsiderable.

8876. How much comes to you?—The assistant master in charge of the classical department gets school fees for each boy attending his class.

8877. Lord Justice NARIN.—Any boy attending his class has to pay for the instruction he gets?—Yes. For the year ending December 31st, 1885, the amount of the school fees was £12 10s. 2d., of that he received

about £8, leaving a margin of £4 16s. to be divided between himself and the other master.

8878. Lord Justice FRYGIMAN.—Is there any intermediate school in Oldcastle or its neighbourhood?—None.

8879. Then the locality is entirely dependent on this institution for its education?—Yes.

8880. Is there any school competing with you?—No. There are some National schools in the outlying parts—in Moyla.

8881. There is no other National school in Oldcastle?—No.

8882. Lord Justice NARIN.—What are the religious denominations of the pupils?—Of the 227 boys 58 are of the Irish Church, and the remainder are Roman Catholics; the former are about 12 per cent. of the whole.

8883. Is there any restriction on any child coming to the school?—None, whatever.

8884. And all whose parents wish them to be educated receive their education here?—They receive their education here; and they are supplied gratuitously with books. £70 is allowed by the trustees for supplying the children with books—the copy-books and ordinary books required in the different classes.

8885. Rev. Dr. MOLLOR.—What proportion does the average attendance bear to the number on the roll?—For the month ending the 31st of May, it was 66·2 per cent.

8886. From your experience of National schools is that under or over the ordinary average attendance?—It is pretty much normal, but I expect it should be 65 or coming near to 70.

8887. We find that the general average attendance is about two-thirds of the number on the roll?—Yes.

8888. That corresponds to 66 per cent.—That is what it should be; but I have spoken about the epidemic and other matters connected with a rural district like this; and it is a very fair percentage in this season of the year.

8889. I find that at the time of the last inquiry in 1880, the attendance was about 58 per cent., and it struck me that that was a good deal lower than what we find generally in the best class of National schools?—Yes, I think it is under what I had myself in Louth, I had a very large attendance at the National school there. I have frequently had 70 per cent. on the roll.

8890. Is there any reason in this locality why the attendance should be low?—No, but I imagine there is some hindrance on the part of parents about sending their children to school.

8891. Lord Justice FRYGIMAN.—Does your experience enable you to say whether that hindrance is an ordinary symptom where there are no school fees?—I would imagine so.

8892. Do you think it any advantage that there should be no school fees and no charge for books?—I think it is a disadvantage not to have some charge for books in the case of children whose parents can pay. A very large proportion are of the labouring classes, and I think it is very well that the trustees allow money for the purchase of books for the poorer classes.

8893. Do you think it would be an advantage that the gift of free books should be restricted to the children of really poor parents, and that there should be some charge to those who are not poor?—I think there should be some charge to those who are able to pay in order to induce the parents to endeavour to get value for their money.

8894. Where do the children of the shopkeepers of Oldcastle get their education?—In our school.

8895. What proportion of the pupils are the children of the townspeople?—I imagine about twenty-five per cent. There might be more.

8896. Dr. TRAILL.—And of the children of farmers and labourers I suppose there are about fifty per cent?—I think so. You cannot exactly describe them as

the children of labourers, for some of the labourers are farmers having five, or six, or seven acres of land.

8817. Rev. Dr. MELLOR.—Then practically all the people of Oldcastle are educated here?—Yes. Some of those who are in pretty fair circumstances afterwards send their boys to college when they have received elementary education here.

8818. Is there any education given in agriculture?—Yes.

8819. How?—From Professor Baldwin's books. I give it to my class, and the first assistant master gives it too.

8820. Is any practical instruction in agriculture given?—None.

8821. Was there not a farm attached to the school?—Yes; it is still attached to the school, but it has been discontinued as an agricultural firm since 1863.

8822. You are not able, perhaps, to give any explanation of that, as you have come so recently?—No; I could not give any explanation why it was discontinued; but I think the explanation can be found in numerous parts of Ireland where agricultural farms have been mostly closed as failures.

8823. Had you any experience of the practical teaching of agriculture in any of the schools with which you were previously connected?—No.

8824. And you think the normal condition of agricultural school farms is that they are failures?—That's my impression.

8825. Dr. TRAILL.—Have you any reason to give why it should be a failure here?—My own opinion is that the farmers are somewhat averse to adopt any new system of agriculture.

8826. Have your farmers the idea that their children can learn farming at home?—I believe the rising class of children who have been studying agriculture will introduce some of the notions they are at present studying in the management of their farms afterwards.

8827. Do you mean such subjects as agricultural chemistry?—The adoption of a proper system of rotation of crops.

8828. Do the farmers of this country not adopt the rotation of crops?—I think this is a grazing country, except the outlying districts, about a range of hills where there are a number of the poorer class of farmers; but I don't think they adopt any recognised system of rotation.

8829. Lord Justice FRYGESSON.—Isn't there room for agriculture on plots of ground connected with grazing farms?—Yes; there is.

8830. And you endeavour to teach it theoretically?—Theoretically I try to explain it.

8831. But you think the farmers are prejudiced in favour of their own old plans?—I think so.

8832. Rev. Dr. MELLOR.—Had you any training in practical agriculture?—No; while I was in Marlborough-street for four months I went out twice a week to the Albert Farm. I did not get any practical education there, but I heard the lectures.

8833. Is there any kind of technical or industrial instruction given here?—Not in our school.

8834. You teach drawing?—Yes.

8835. But nothing beyond that?—Beyond that, nothing.

8836. Would it not be desirable to give industrial teaching of some kind in a locality like this?—I consider it would be a great advantage; but I think it

should not interfere with the ordinary literary instruction of the school. It should be given after or before it—in the morning between nine and ten, or in the evenings between three and five.

8837. Practical instruction in such matters as the use of tools?—Yes, under a thoroughly qualified man.

8838. It does not follow that because a man is "first of the first" he could teach the use of tools?—No, it does not.

8839. If it were practicable to have a special teacher for teaching the use of tools you think that it could be done after school hours, and that it would be useful?—I think it would; but I really don't think it would suit the people of Oldcastle.

8840. Why should Oldcastle of all other places be regarded as unfit to receive instruction in the use of tools?—They don't manifest such an interest in primary education as they should.

8841. They have never seen what such instruction is, and don't take an interest in it, because it is to them an unknown thing?—An unknown thing.

8842. If a carpenter's shop were established in the school, and the boys were taught to use ordinary tools, would they not be much more useful at home after leaving school?—Yes, I believe they would.

8843. Professor DEANE.—Have the people of Oldcastle any objection to acquiring a knowledge of the natural arts?—I could not give an opinion on that. I believe a great many of them would desire to have their children taught the use of tools.

8844. Dr. TRAILL.—It is a different thing to teach trades and to teach the use of the hands and eyes by means of tools?—I think drawing and geometry would go a great way. As a matter of fact, if I had to give an opinion on technical education, I would endorse Euclid and substitute practical geometry for it.

8845. Lord Justice FRYGESSON.—Such geometry as is taught in drawing?—Yes.

8846. How many pupils are learning drawing here?—All from the third up to the sixth classes.

8847. And music?—Music is taught to those who have an aptitude for it in the different classes.

8848. Have you any connection with the Science and Art Department?—None.

8849. Have you ever thought of establishing it?—Yes; I have thought of it.

8850. Rev. Dr. MELLOR.—Did not the connection formerly exist?—I think there has been some objection by the Science and Art Department to establishing a class here, for the school is free, and they desire that their classes should pay something.

8851. Lord Justice FRYGESSON.—Have you any connection with the Science and Art Department?—No; but I was examined and have elementary certificates in magnetism, electricity, mechanics, and mathematics; and my position as a first of the first teacher would entitle me to an advanced grade certificate in mathematics.

8852. Then your status would entitle you to establish classes in connection with the Science and Art Department?—Yes.

8853. Your trustees are qualified as a committee so far as number goes?—Yes. As a matter of fact I was thinking of forming classes, but I wished to have the school in a more advanced state before I did so.

8854. What is your age?—Twenty-eight last December.

Mrs. Mary Ryan sworn.

8855. Lord Justice FRYGESSON.—How long have you been head mistress of the girls' school?—Since January, 1858.

8856. What is your present number of girls?—127 on the roll.

8857. How many are in attendance to-day?—120.

8858. Is that about the average attendance?—It is slightly under it.

8859. During your thirty years' experience have the numbers of pupils in attendance fluctuated much?—Not very much, except in the case which the head master stated of the epidemic, which was an unusual occurrence. They fluctuate a little with the seasons.

8860. One year with another it would be the same?—Yes.

8861. Has the school been, all through those thirty

June 11, 1888.

Witness John De Vere.

Mrs. Mary Ryan.

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Mr. Mary Ryan.

years, as full as it is now?—Compared with the population I think it less. In the early stages of the school the numbers were very many more than they are now.

8942. The population was larger then?—Yes;

8943. What is your qualification?—First of the first.

8944. How long have you held that?—From my third year under the Board, and I was ten years under the Board before my appointment here—for eight years in Tuam Model school, and for one year in Castlepollard National school. I got my training since in August, 1849.

8945. How long were you in training?—Four months and a half was the course then.

8946. What assistance have you in teaching?—I have at present my daughter, who is a recognised teacher under the National Board, and an assistant.

8947. Have you only one assistant recognised under the Board?—Only one.

8948. How many monitors have you?—Seven paid by the trustees, and three paid by the National Board.

8949. Then your staff is one assistant less than the boys' staff?—Yes, that is in consideration of the two appointments being here; my appointment is independent of the National Board.

8950. Lord Justice NASH.—You are not under the National Board?—Not at all. When the school was transferred I was not eligible—I was beyond the years for appointment.

8951. Lord Justice FRYGEMAN.—When was the school placed under the National Board?—In 1863.

8952. Then the reason you are not under the National Board was that you were over the age?—Yes; I was disqualified.

8953. What are your emoluments?—The only salary I have is the trustees' salary—£80 a year. The house belongs to the Board.

8954. You have the house?—My daughter has it. She is partly paid by the trustees and partly by the National Board.

8955. Besides your salary from the trustees, what other emoluments have you?—No other.

8956. Have you no share of the results fee?—No.

8957. Do you live with your daughter?—I do.

8958. What is her salary?—She receives £34 10s. class salary, and £10 a year from the trustees, and has the house and garden in her own right—the same as the master has—and her class salary from the Board.

8959. What is her class?—First of the second; she has not been long enough teaching to have obtained the first.

8960. What were the results fees of the girls' school last year?—£27 from the union, and £137 3s. 6d. from the National Board.

8961. What pupils' fees had you?—£4 0s. 5d. for the year 1887.

8962. How are the results fees divided?—The assistant gets one-third, and my daughter gets two-thirds.

8963. Is it in consequence of your not having been qualified to be promoted that your daughter holds the position under the Board?—Yes, in consideration of my not being disturbed. She is paid by the National Board and by the trustees.

8964. What is the assistant's salary?—She gets £30 a year from the trust, besides her salary of £27 as an assistant.

8965. Rev. Dr. MOLLOY.—And a third of the results fees?—Yes.

8966. Lord Justice FRYGEMAN.—What are the monitors paid?—One is paid £4 a year, £1 10s. a quarter; two receive £1 5s. a quarter, and two others £1; and the juniors get 11s. a quarter—£210 in all is allowed for them from the trust, and we apportion it as well as we can.

8967. (To Mr. De Vere).—What are the boys' monitors paid?—Mr. De Vere.—The Board's monitors get a graduated scale—I think about £10 in the third year, and the others get £5.

8968. What do the trustees' monitors get?—Mr. De Vere.—£30 a year between the seven—£3 to one, £5 to two, £4 to two, and £3 to two.

8969. (To witness).—Have you any girls learning more than the National Board programme?—No, except the extra subjects.

8970. What extra subject?—Drawing, music, book-keeping, domestic economy, and agriculture.

8971. You teach theoretical agriculture, but not practical?—We always gave them rural instruction—the management of a dairy, and of poultry and calves—on agricultural teaching; and when the school was transferred to the Board by calling it "agriculture," and adding a few other chapters in the books, it entitled us to results fees.

8972. How many girls are learning those subjects?—Of the senior division, 103.

8973. Do all these 103 learn drawing?—They do, and sixty-two others; but only those who show an aptitude for drawing are continued at it.

8974. Dr. TRAILL.—Do the 103 learn all the extras, including theoretical agriculture?—They do—dairy and poultry work are included under the head of "agriculture." We always had it before our connection with the Board.

8975. Lord Justice FRYGEMAN.—Do you give any instruction in French?—No.

8976. And there is no instruction in either of the schools in history?—Except so far as it comes into the lesson books.

8977. Rev. Dr. MOLLOY.—Do you teach cookery?—Not practically, but it is included under the head of domestic economy—cookery, servants' work, and laundry work.

8978. In what form do you teach cookery?—Only in theory.

8979. Lord Justice FRYGEMAN.—From what book?—Cavell's.

8980. Rev. Dr. MOLLOY.—Would it not be possible to teach practical cookery?—I don't mean with the present staff, but to get a special teacher from Dublin who would stay two or three months and give a course of practical cookery—would not that be very useful to farmers' and shopkeepers' daughters?—It would.

8981. It would enable them to put that theory into practice?—Yes.

8982. Dr. TRAILL.—You would not like to have your dinner cooked by a theoretical cook?—Well it is useful to know something of it. The great loss of the country people is that they have not cooking utensils.

8983. Rev. Dr. MOLLOY.—What other branches of domestic economy do you teach?—Housekeeping and general household work, cleaning up a house, management of children.

8984. Is there any examination?—Yes, the Inspectors examine, just as they do in the other subjects.

#### Miss Mary Grace sworn.

Miss Mary Grace.

8985. Lord Justice FRYGEMAN.—You are the head mistress of the infants' school?—Yes.

8986. How long have you been there?—Five years.

8987. What class do you hold?—First of the second.

8988. What are the numbers on the roll?—113.

8989. And in attendance to-day?—74.

8990. What is the average attendance for the year?—34-4.

8991. How many of these are boys?—36.

8992. (To Mrs. Ryan).—I forgot to ask the religious denominations of your pupils?

Mrs. Ryan.—Of the 197 on the roll, 171, or 87 per

cost, are Roman Catholics, and 50, or 15 per cent., are Protestants.

9301. (To witness).—What are the proportions in the infants' school?—There are 93 Roman Catholics, and 20 Protestants.

9302. What is your salary?—£45 a year from the trustees, and £34 10s. and results fees from the Board.

9303. Have you a residence?—Yes.

9304. Do you live in the house on the farm, or in the centre house?—In the central house. It is divided into three parts.

9305. Mrs. and Miss Ryan have one part, you have another, and the master of the boys has another?—Yes.

9306. How much were your results fees last year?—£19 15s. 6d.

9307. Have you an assistant?—Yes.

9308. Does she get one-third of the fees?—One-fifth, and I get two-thirds.

9309. How much is the assistant paid?—She has £2 a year from the trustees, and £27 from the Board.

9310. And her share of the results fees?—Yes.

9311. Do the results fees you have mentioned include those from the Union and the National Board?—No, the National Board results fees are £19 5s. 6d., and those from the rates £9 15s. 3d.

9312. Lord Justice FRANKLIN.—What are your total payments—how much do you receive altogether?—About £105.

9313. Lord Justice FRANKLIN.—Is your educational programme the ordinary one for an infants' school?—Yes.

9314. Have you any extra subjects?—No.

9315. Dr. TRAILL.—Do you teach the Kindergarten system?—No.

9316. You are not qualified to do so?—No, I never studied it.

9317. Would you not think it worth your while to qualify yourself in it?—I would.

9318. Rev. Dr. MOLLAY.—Have you ever seen the Kindergarten system in operation?—I have not.

9319. Lord Justice FRANKLIN.—They give results fees for it in Northborough-street now?—Yes.

9320. Rev. Dr. MOLLAY.—Your average attendance is much larger than those in the boys' and girls' schools?—£44.

9321. I suppose it is easier to get the infants to come—they are not wanted at home?—Yes, I think that is the reason.

9322. Dr. TRAILL.—Your attendance is 84 out of 113—that is 75 per cent.?—Yes.

9323. Lord Justice FRANKLIN.—What are the religious denominations of the teachers in the infants' school?—The assistant is a Protestant and the two others are Roman Catholics. I am a Roman Catholic.

9324. What are the religious denominations of the boys' teachers?—

Mr. De Vere.—I am a Roman Catholic. The first assistant master is a Protestant; and the second assistant master and one monitor are Roman Catholics.

9325. The monitors are taken from the pupils?

Mr. De Vere.—Yes, from the best.

9326. How is it with you, Mrs. Ryan?

Mrs. Ryan.—The constant is a Protestant, and one monitor also.

9327. Did the Protestants win any of the Board monitorships?—One.

9328. I understood you to say that the trustees' monitors were appointed by competition?—Yes, there is a yearly examination, or when a vacancy occurs; and the girl who gets the highest marks is—if everything else be right—selected.

9329. At present the only Protestant monitor is one of the National Board?—Yes.

9330. All the rest of the seven are Catholics?—Yes, it is a matter of chance.

9331. Is it not a matter of merit?—There are some few Protestants, but they generally do not remain till they are of full age. The Board's monitors may be taken at a younger age.

#### The Rev. F. S. Dardin sworn.

9332. Lord Justice FRANKLIN.—How long have you been Rector of Oldcastle?—Forty-eight years.

9333. Have you during that time been a trustee of this school?—I have been a trustee all that time, but not a manager, because there was no manager until it was put under the Board.

9334. Your Board consists of the Chief Secretary to the Lord Lieutenant, the Protestant rector, the Roman Catholic parish priest, one Protestant layman, and one Roman Catholic layman?—Yes.

9335. How are the two lay trustees chosen?—Each by the remaining four.

9336. Lord Justice FRANKLIN.—Have they the right to sit, or does the Court of Chancery in England act on their recommendation?—I could not tell you that, but we always make the appointments ourselves. I don't know whether we recommend or not, but they always sanction the appointments.

9337. Does the Chief Secretary take any part in the management?—No; we were never compelled to call on him, for things go on very pleasantly.

9338. Dr. MOLLAY.—Do you summon him to your meetings?—No.

9339. And he never comes?—Never.

9340. Lord Justice FRANKLIN.—But you could have him if you wanted him?—Yes.

9341. Lord Justice FRANKLIN.—Do you happen to know if he was named a trustee originally, or was it the Court of Chancery in England who appointed him?—Originally by the will of Mr. Gilson the trustees were to be the Protestant rector, and the Roman Catholic priest of the parish alone.

9342. And the Court of Chancery introduced the others?—Yes.

9343. Lord Justice FRANKLIN.—How often do the trustees hold stated meetings?—Every quarter.

9344. What business do you transact?—We pay the bills, and if anything arises we consider it—such as repairs, painting, or any of those things; and if occasion requires it we call a special meeting.

9345. Your money is all in Chancery?—It is.

9346. Have you much expense connected with the Court of Chancery?—Except passing the accounts and appointing trustees.

9347. What does the passing of the accounts cost you—they have to be passed, apparently, in England?—About £30 a year.

9348. How much has it cost you on each occasion to fill a vacancy in the trusteeship?—I think about the same.

9349. It would be an advantage to the charity to save these two sums?—Of course it would.

9350. The money, I presume, is in what used to be the Three per Cents?—Yes.

9351. Do you think four a sufficient number of acting trustees?—I would prefer having it as it is; if there were too many it would not be for the advantage of the charity.

9352. Have you thought at all of giving special instruction of a better class than that of a National school, or of giving intermediate education?—I was speaking to the head master introducing the South Kensington system. We had it before, and I managed it very successfully; it brought a great deal of money to the pupils, and effected them a great deal of instruction, and was a very great advantage.

9353. Why was it given up?—I was under the impression that when this school was put under the National Board we would not be allowed to do it. I

June 2, 1888.  
The Mary Green.

The Rev. F. S. Dardin.

June 22, 1896.  
The Rev. T. S.  
Dunlin.

thought that when we were receiving money from the Government the children would have a right to get it from North Kensington. When we had it here it was before the school was put under the Board.

9046. Have you tried what the Christian Brothers have done with so much success—and which we have also found in some Protestant schools—namely, an intermediate department in which something better than National school education could be given?—No, I have not.

9047. Rev. Dr. MOLLON.—Will you give an account of the circumstances which led to the abandonment of the teaching of agriculture. It was one of the objects specified by the testator in his will, and for which he left the endowment—I think the cause of it was that we could get no pupils.

9048. That is the people you had would not leave agriculture?—No; we had a good many the first year it was opened, but they fell away by degrees and at last we had none.

9049. Why can you not teach your ordinary pupils agriculture as you teach them other things, are they not largely the children of farmers?—We did teach them while we had a very excellent master, Mr. Smith. He used to take the boys out on the farm and instruct them. He left us and has gone down to Cork.

9050. Was the agricultural department successful while he had charge of it?—The instruction he imparted I am sure was very good.

9051. Was it appreciated by the people?—He taught in the school as well. I could not very well form an opinion as to whether they did not, but I know myself from my own knowledge that he imparted a very good education to their children.

9052. He is gone to the Cork Agricultural Model school?—Yes, and is getting on most successfully there I am told.

9053. Lord Justice FRANKLIN.—I find that Mr. Meade's report—as given in the report of Lord Howe's Commission of 1880—stated that the master's instruction given in this school was of a very high order, and fitted the boys not only for commercial life, but also for competition at Intermediate and other examinations. Do you not appear to have fallen back from Intermediate teaching in consequence of having joined the National Board?—We sent some very good boys out of this who got Civil Service and other appointments, and they were very good and well educated and got on very well in life, but we unfortunately got a master that wasn't very clever. We had Dr. Beattie as head master—a very clever man. He became a clergyman of the Church of Ireland. The next man that came in was not so well qualified. He was recommended to me by the Inspector that used to come round here from the National Board, although we were not under the Board at that time.

9054. Considering your numbers—and I am contrasting you in my own mind, I may tell you, with the Christian Brothers' schools and Swords school, which without any endowment established a higher class of education than the National school institutions—would there not be a possibility of your establishing a higher class from which the Oldcastle boys could go to the Intermediate examinations?—I don't know; I never thought of it.

9055. Dr. TRAILL.—Your new head master, who has been here only a short time, perhaps, after seeing his way, may be able to form such a class?—Yes.

9056. Rev. Dr. MOLLOY.—What would you think of the idea of introducing some form of industrial teaching which would make the boys more useful when they leave school, and help them on in their career in life?—The impression on my mind is, that the better they are taught the better they can get on in the world afterwards—that they cannot by any possibility know too much.

9057. Then would you be in favour of introducing such extra subjects as the use of tools or wood carving?—Well, I think these technical subjects are very use-

ful—as much so that when we were appointing a master lately I went to the National Board in Dublin. There was a gentleman who was very clever at technical education, and he was a candidate for this place; but, however, we selected Mr. De Vere as being the best man.

9058. I see that the foundation was originally established for the benefit of the parishes—lands, Oldcastle—of Loughcrew, Moyla, Killin, and Killa, and other neighbouring parishes. Have you done anything for the neighbouring parishes?—That does not seem to be the original foundation. The original foundation was confined to the parish of Oldcastle, and those other parishes were admitted afterwards.

9059. I am reading from the Report of 1880, and it states that Mr. O'Brien, in the year 1810, bequeathed the property for the benefit of the children of the parishes of Oldcastle, Loughcrew, Moyla, Killin, and Killa, and if there be room, of neighbouring parishes, without distinction of creed?—Well, that must be a mistake. But that was the intention of any mind.

9060. Don't you think that with such a splendid endowment as you have here you might do something, not only for the people of the immediate locality, but also for the people of the neighbouring parishes—what about coxery for the girls?—No objection to the world to it.

9061. Could you not get down a professional teacher of coxery, who would give a course of practical coxery, say for three or four months; and while you had her here you could send her to the neighbouring schools in other parishes; for all her time would not be taken up in your school? Well, I think that would be very desirable, for we all suffer very much from indigestion, and it would be well to have it.

9062. Lord Justice FRANKLIN.—According to your last accounts £38 10s. 10d. is charged for the upkeep of your twenty-fourth account, and £20 10s. 6d. for the passing of your twenty-fifth account; so that I suppose the cost each year of merely passing your account exceeds £30!—Every two years now. We did pass them once a year.

9063. Lord Justice NAULT.—The trustees have power over everything, including the receipt and application of the income?—Yes.

9064. Lord Justice FRANKLIN.—Therefore it is quite open to the trustees to establish any class of education they like—isn't that so?—I think so.

9065. Lord Justice NAULT.—Instruction should be given in the school, besides religious instruction, is singing, drawing, reading, writing, arithmetic, history, geography, and such other branches of elementary learning as the trustees shall from time to time direct; and for the boys in algebra, chemistry, and the elements of agriculture, and for the girls in needlework. What history is taught?—Horn's; you introduced history, Mr. De Vere?

Mr. De Vere.—Yes; the National Board issues. Exclusive of that I intend to form a class on Saturdays.

9066. Lord Justice FRANKLIN.—(To witness)—I see the trustees get £26 a year each?—Yes.

9067. Who are the trustees?—Mr. Gordon and myself.

9068. Have you a castle?—I have no castle.

9069. Lord Justice NAULT.—The total amount of the income for the year was £202?—About that.

9070. Is that always forthcoming?—Yes; it varies in some years.

9071. Rev. Dr. MOLLOY.—What is your income from the endowment?

Mr. De Vere.—£780.

9072. Rev. Dr. MOLLOY.—I make it out to be about £780. It is interest on £25,000 consols.

Rev. Mr. Dunlin.—We have repairs and painting, which cost a good deal.

9073. Lord Justice NAULT.—Have you ever a surplus?—We have.

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Derdin.

9074. Have you ever invested any money?—We have some invested out of the savings of women.

9075. In whose name are the investments made—those of the trustees or in Chancery?—In the names of the trustees, I think.

9076. So that you retain the control over them?—Yes.

9077. Dr. TRAILL.—Has the money owing to Mr. Naper been paid off?

Rev. Mr. GREHAN.—There is nothing due now to Mr. Naper.

9078. Rev. Dr. MOLLAY (to witness).—Can you give any explanation why the average attendance of pupils has been so low?—I think the master we had here was not an efficient man. I think the attendance will be better now that Mr. DeVere is here, and that the average will improve. With regard to technical instruction, and having a woman down to teach cookery, you know I am only one trustee, and I would like to have it brought before the whole body of the trustees before it was done.

9079. I would ask you to consider whether, in the event of our drawing up a scheme for the management of this endowment, it would not be desirable to give the trustees power to establish here in Oldcastle something like a centre for technical teaching. The small schools in the country cannot afford the expense of industrial teaching for themselves, and you have here an endowment which would enable you to form a centre from which you could send out teachers to the other schools?—Yes.

9080. And in that way enable the neighbouring parishes to get considerable benefit from this endowment, in accordance with the intention of the founder?—I would have no objection.

9081. Lord Justice FRANKLIN.—Could you not also have a carpenter to come here in the afternoon—not a theoretical, but a practical man to teach the boys. Would there be any difficulty about it?—No.

9082. There is another great feature in the North of Ireland—namely, evening classes to teach the boys and girls who are busy during the day?—I know.

9083. Lord Justice NADEL.—Do you think there would be an attendance at such evening classes?—Well, I don't know.

9084. Dr. TRAILL.—I suppose your teachers would find that, after they had put in four or five hours in the morning, unless they got special pay it would be rather hard to have to engage in evening work?—There is nothing so hard as teaching, and I don't think they would be disposed to do anything after a day's work—they would be worn out.

9085. Lord Justice FRANKLIN.—Elsewhere they have special evening classes?—Yes, if they have teachers specially for it.

9086. Lord Justice NADEL.—As for as your experience of the working of the trust goes, are there any additional powers or alterations in the scheme that appear to you to be desirable, or are you satisfied with the scheme as it works at present?—Well, I think we are working very harmoniously.

9087. Lord Justice FRANKLIN.—But you see very little better off than if you had not an endowment at all, as regards teaching. There is nothing taught here that is not taught in every large National School?—The only thing is, that what we teach here we teach very efficiently.

9088. Rev. Dr. MOLLAY.—But with such a fine endowment and the large grants you receive from the National Board, the neighbourhood could get greater advantages from the school than they do, particularly in the direction of industrial teaching?—Yes.

9089. We have found in many places a desire for industrial teaching, but that they could not afford the expense of special teachers. It would seem that here you could at least make a beginning by teaching those two subjects—to the boys the use of tools, and to the girls cookery; and that not only in this school, but in a number of schools round about?—Yes.

9090. And when once this system was established, you would have in every house in the country a boy who was a handy carpenter, and a girl who was a good cook?—It would be very desirable indeed.

9091. Lord Justice FRANKLIN.—Could you not also give some intermediate education to the clerical boys?—When Dr. Beattie was here he gave lectures in the evening to the boys and they went in for the Civil Service and got on very well in life. But Mr. DeVere has been only here for a short time and I don't suppose he has had time to turn it over in his mind.

9092. The master teaches Civil Service pupils in the evenings and mornings in Leamy's School, Linerick. They begin work in that school at seven o'clock in the morning.

Mr. DeVere.—A great number of monitors are preparing in our school and several of them are reading history and the higher arithmetic.

9093. Dr. TRAILL.—How many hours a day do you give the monitors?—An hour in the morning and three-quarters of an hour in the evening.

9094. What history do you use?—I have not used any yet, but I intend to use Dr. Smith's smaller history, and a class history on Saturdays.

9095. Rev. Dr. MOLLAY.—Do all the trustees attend each meeting of the board?—Mr. Naper, Mr. Grehan, and I myself attend; Colonel Donaldson sometimes comes, but he lives at a distance.

9096. What might be the average attendance of trustees at meetings of the board?—I suppose the average attendance would be two.

9097. Yourself and the parish priest?—Yes.

9098. The Chief Secretary never comes and is never summoned; Colonel Donaldson sometimes comes; Mr. Naper comes when he is at home, so that I may say practically your board on ordinary occasions is a board of two?—Yes.

9099. Lord Justice FRANKLIN.—On June 15, 1888, it appears by the minute book that there were present, Colonel Donaldson and Rev. Mr. Grehan, on May 5, 1888, the Rev. Mr. Durdin and the Rev. Mr. Grehan; on April 9, Mr. Naper, Rev. Mr. Durdin, and Rev. Mr. Grehan; on March 15, Mr. Naper, Rev. Mr. Durdin, and Rev. Mr. Grehan; on February 27, a special meeting, Rev. Mr. Durdin and Rev. Mr. Grehan; on December 10, 1887, Mr. Naper, Rev. Mr. Durdin, and Rev. Mr. Grehan; on November 7, 1887, Mr. Naper, Colonel Donaldson, Rev. Mr. Durdin, and Rev. Mr. Grehan—that was the occasion on which Mr. DeVere was unanimously appointed Head Master; on September 15, 1887, Mr. Naper, Colonel Donaldson, Rev. Mr. Durdin, and Rev. Mr. Grehan—that was a meeting to accept the resignation of Mr. Brady and to appoint two monitors; August 10, 1887, Mr. Naper, Rev. Mr. Durdin, and Rev. Mr. Grehan; August 8, 1887, Mr. Naper, Rev. Mr. Durdin, and Rev. Mr. Grehan; July 29, 1887, Mr. Naper, Colonel Donaldson, Rev. Mr. Durdin, and Rev. Mr. Grehan—that was a meeting to receive tenders for coal, to give instructions for the stationing of carts on the farm, and to make arrangements for painting; and on June 10, 1887, at which Mr. John Coyle was appointed a monitor, the Rev. Mr. Durdin and the Rev. Mr. Grehan attended. These are the attendances for the last twelve months.

(Witness.—Mr. Grehan and I are the managers of the school and we are generally here.)

9100. You are joint managers under the National Board?—Yes.

9101. Rev. Dr. MOLLAY.—Under your existing scheme no one can be a trustee unless he is an owner of land in the neighbourhood?—He must be a land-owner resident within fifty miles of the school.

9102. (To witness).—Do you think that no one is qualified to take part in the management of an endowed school unless he is an owner of land?—Well, I don't think that would apply at the present time, I don't think it is an advantage at all for a man to be an owner of land.

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The Rev. T. S.  
Dunlop.

9103. Lord Justice Fitzgerald.—Of these parishes of Lougherew, Moyla, Killea, and Kilbride, how many are separate parishes in your Church?—There are all separate parishes.

9104. Under separate clergymen in each?—No, Mr. Butler attends to Killea and Mount Nugent; the incumbents are not sufficient for two.

9105. Is there a parish clergyman for Lougherew?—Yes.

9106. In Moyla?—No, Moyla is a Roman Catholic division.

9107. In Kilbride?—Kilbride, or Mount Nugent, is joined with Killea, and one clergyman serves both.

9108. For the four parishes named there are then two parish clergymen, of whom one lives in Lougherew and the other in Oldcastle?—Yes.

9109. Rev. Dr. Molloy.—Are there two besides the rector here?—Not reckoning me.

9110. Dr. Traill.—What is the name of your parish?—Oldcastle.

9111. Lord Justice Fitzgerald.—You have a Select Vestry?—We have.

9112. With how many registered members?—Well I suppose about twenty, as well as I can recollect.

9113. Are all the parishes named in the neighbourhood of Oldcastle?—They are.

The Rev. Edward Graham, P.R., sworn.

The Rev.  
Edward  
Graham.

9119. Lord Justice Fitzgerald.—How long have you been the parish priest of Oldcastle?—Since the latter end of 1851.

9120. During that time you have acted as a trustee of the school?—Yes.

9121. How long have you been one of the joint managers?—Since it joined the National Board.

9122. Since the school joined the Board have matters gone on harmoniously and well?—I could not exactly say that. Now we are harmonious, but the trustees were very much divided at one time, especially when we were drawing up the new Chancery Scheme.

9123. Lord Justice Naunton.—Did you all agree to it?—Of course we had different opinions, and there were great divisions at that time, especially about the farm, and it resulted in litigation.

9124. Lord Justice Fitzgerald.—What was the litigation?—Mr. Naper thought to take up the farm to himself, on the ground that we were not devoting it to the purpose for which it was leased—namely, as an agricultural farm, and the matter was brought before the Chancellor in England. It was decided then, that whilst we held the farm in a state fit to be used as an agricultural farm he was not entitled to resume possession.

9125. How much did it cost the charity to get that decision?—The trustees' costs, independent of Mr. Naper's, were £170 15s. 6d.; and Mr. Naper's costs were £27 7s. 8d. It was all lost to the charity by those divisions. The costs of both sides were paid by the charity.

9126. Is there any provision in Oldcastle for the Intermediate education of Roman Catholics?—We have a classical school here that might be regarded as Intermediate in a certain sense.

9127. How is it maintained?—By a gentleman who gives instruction in classics as a junior assistant in this school.

9128. Lord Justice Naunton.—And gets his salary as such?—Gets his salary from the National Board, and it is supplemented by the trustees.

9129. Dr. Traill.—What are his classical qualifications?—At present I think he is only first of the third. He is going to stand his examination in July.

9130. I am not talking of his National Board qualification but of his classical qualification—where did he get that?—He passed through Maynooth. He has a very good knowledge of Latin and Greek.

9114. Dr. Traill.—Are there any better by trustees that could be selected here than Mr. Naper and Colonel Donalson. This would be an awkward question perhaps, except that, as the endowments have been challenged, I want to know if you could substitute anybody else better?—Well, that is a delicate question.

9115. Rev. Dr. Molloy.—It is not the endowments that have been challenged, but the condition that excludes everyone else.

9116. Dr. Traill.—I don't find fault with either gentlemen, but I want to know are there gentlemen of any other class of society who would take an interest in this matter; and who, you think, would work as well as those that have been?—I know of my own knowledge that Mr. Naper takes a great interest in the schools.

9117. Didn't his father give the ground for this school?—No sir. All Mr. Naper's tenants' children come to this school and have the benefit of the education it gives, and that is a matter which concerns him as a landlord.

9118. I suppose that is the obvious reason why landowners should have been selected as trustees?—They had different ideas then from what they have now about these matters.

9131. Lord Justice Fitzgerald.—Does he teach classics outside school hours?—Principally.

9132. Your trustees give him a salary for teaching in this school?—Not precisely for classics, but as an assistant under the National Board.

9133. Why could he not give instruction to an Intermediate class in this school, and be paid directly out of the endowment?—It is far economy's sake. We could do that if we went to the expense of giving him a separate salary, but we did not like to draw too much from the endowment.

9134. About what number of Roman Catholic boys are there in Oldcastle who would like to get a better education than that of a National school?—I should say if there were a special master to teach classics and the pupils would also have the advantage of learning the English course—after a while we would have 50 or 40 or 30 boys.

9135. Are there no means of teaching the girls any French?—No means, except you took it from the master.

9136. Is there any want of better teaching amongst the girls of a better class corresponding to the boys you speak of?—There might indeed; but they would be very few that would aspire so high.

9137. Rev. Dr. Molloy.—The girls are less likely to go away from home than the boys?—Less likely.

9138. And have no great want of French?—I am afraid not. I don't know what they would be doing with it.

9139. Dr. Traill.—Which would French or Irish be the more useful?—They don't talk Irish here.

9140. Lord Justice Fitzgerald.—Is there any want of industrial teaching in the plant?—Unfortunately we have no industries. There are no manufactures of any kind; and if they were to learn these things I don't know what use they could make of them.

9141. Is there no such thing as carpentry or blacksmith's work in Oldcastle?—Oh, to be sure.

9142. Lord Justice Naunton.—I suppose they learn these trades with some carpenter or blacksmith?—They do.

9143. Rev. Dr. Molloy.—Would it not be a very useful thing to in a farmer's house to have a young fellow who could drive a nail or put up a board, or repair a gate, or mend a cart?—I quite agree.

9144. And if he were taught to do it would not

the expense be added to the family of sending into the town for a carpenter?—Of course it would.

9145. Lord Justice FRYGIESSON.—Don't a considerable number of your boys emigrate?—We are not bound to educate them for that purpose.

9146. But when they go abroad might it not be useful to them to know how to use their hands?—Oh, it would; I am not against it at all.

9147. Rev. Dr. MONAGHAN.—Would it not be an advantage that the trustees should have the power to employ a skilled carpenter who would teach the boys the use of tools?—Yes.

9148. Do you think it would be well to teach the girls something of practical cookery?—I don't know what they would have to cook.

9149. In some places practical cookery is taught, and the materials are supplied for it; and when these are cooked in the presence of the children, they are either taken home by them or eaten on the spot. Then the children themselves are made to cook in the presence of the teacher, so that they can cook afterwards in their own homes. If that could be done here would it not be a very good way of spending part of the endowment?—I would agree to that if it could be done.

9150. Lord Justice FRYGIESSON.—Can you give us any suggestions for the extension or improvement of your course of education?—I really think that according to the scheme drawn up already the school will go on very well. It is working very well. Of course there might be little alterations that I would suggest.

9151. Lord Justice NAUGHTON.—What are they?—One subject is about the appointment of trustees. I would suggest some one instead of the Chief Secretary for the time being. He is a gentleman that is very much occupied. I had to consult him on one occasion, and he knew nothing at all about the affairs of the school, and did not know that he was a trustee. I would suggest that instead of the Chief Secretary the Resident Commissioner of National Education should be appointed a trustee. I think that from his position and knowledge of the working of the Board, he would be able to assist us with advice.

9152. Lord Justice FRYGIESSON.—Do you think it would do to say the Resident Commissioner, or if he was unable or unwilling to accept the office, one of the Head Inspectors. I see that on a former occasion some great improvements were attributed to the interest taken in the school by one of the Inspectors. What you want is an educational gentleman of position?—Yes, of position. I mentioned the Resident Commissioner as the more honorable.

9153. Lord Justice NAUGHTON.—Sir Patrick Kennan might object to becoming a trustee. If he objected would you be satisfied with the Head Inspector of the district as a trustee?—Yes.

9154. Professor DOUGHERTY.—Would not the tendency of having one of your trustees in connexion with the National Board be to restrict the application of your endowment to the programme of the National Board, while with such a splendid endowment you might go a long way beyond that?—I don't think the Commissioners would interfere at all if we kept to the rules of the National Board.

9155. What advantage would you hope to derive from having the Resident Commissioner as one of your trustees?—When we should appeal to him in a case of special difficulty we would have the advantage of his decision.

9156. Lord Justice FRYGIESSON.—What else do you suggest?—There is a difference between the pay of the trustees' members and that of the National Board members, and I would suggest that they should receive the same salary, and be governed by the very same rules.

9157. Can you not make that change now if you like?—I dare say.

9158. The scheme allows a yearly sum not exceeding £30 for monitors, and that can be divided in any way

you please. At present the trustees are appointed by the English Lord Chancellor. You may recommend anybody you like, or, if you differ on go to the Chief Secretary to nominate; but though the nomination is with you, the appointment is by the Lord Chancellor. That is an expensive process, and apparently they ought to know the best men better in Ireland than in England. Could you suggest a better mode of selection, so as to avoid going to the English Court of Chancery?—I have not the slightest objection to the present trustees, Mr. Naper and Colonel Donahoe, but if they happened to die or to leave the country it would be very difficult to get men to succeed them, unless the qualification be altered.

9159. It is not only a question of qualification but of how to select the best qualified persons. How could the Roman Catholic member be selected?—Give the remaining trustees the power of selecting them.

9160. The difficulty about that would be that if Colonel Donahoe's place became vacant, the remaining trustees would be yourself, Mr. Durbin, the Chief Secretary, and Mr. Naper; three Protestants and only one Roman Catholic. In the same way if Mr. Naper vacated his place you and Colonel Donahoe would be two to one against Mr. Durbin?—The scheme provides for that, for it says that the lay trustees shall be a Protestant and a Catholic.

9161. But it leaves the nomination always to a majority of the other denomination?—The surviving trustees recommend them to the Lord Chancellor—and we could do that still.

9162. If you do it will always cost you £35 for each appointment.

9163. Dr. TRAILL.—If a vacancy should be caused by the death of the parish priest, would not the appointment of his successor cost the charity £35?—That must be a mistake, because the parish priest and the rector are trustees ex-officio, without any formality.

9164. What formality did you go through when you were appointed?—None, whatever.

9165. Did you sign any document?—I don't remember.

9166. Lord Justice FRYGIESSON (reads).—"The remaining trustees, or some of them, shall, unless an order be obtained from the Charity Commissioners of England and Wales, make application by summons before the judge," that is, to an English Chancery judge, "for an order for the appointment of a new Protestant lay trustee, or a new Roman Catholic lay trustee, as the case may be, and on such appointment being made, the freehold property shall be vested in two trustees in such manner as the judge shall direct." So that on every vacancy among the lay trustees you are not only at the expense of an appointment, but also at the expense of a new conveyance of the property.

9167. Dr. TRAILL.—The property vests in the two laymen?—In the two laymen alone.

9168. Rev. Dr. MONAGHAN.—Are the school buildings vested in the laymen?—All the charity property.

9169. Is this a vested or a non-vested school?—Non-vested.

9170. If the buildings are vested in a committee of laymen is it not a vested school?—It is vested in the trustees.

Lord Justice FRYGIESSON.—The Englishmen did not understand the rules of the National Board, and called it a non-vested school in the scheme.

Dr. TRAILL.—It is not necessarily a "vested" school because it happens to be vested in trustees.

Rev. Dr. MONAGHAN.—Under the scheme they have only power to put themselves in connexion with the Commissioners of National Education as a "non-vested school."

9171. Lord Justice FRYGIESSON (to witness).—Can you give us no suggestion as to how on a vacancy for a Roman Catholic lay trustee, a fit person should be selected without applying to Chancery in England?—The way it has been done is that I looked

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The Rev.  
Edward  
Gordon.

June 21, 1886.  
The Rev.  
Edmund  
Gordon.

out for a lay gentleman, and my brother co-trustees answered his appointment.

9172. They agreed to whomsoever you named?—Yes.

9173. Rev. Dr. MOLLER.—Is it desirable to exclude all persons who are not owners of land?—I would not make it a qualification that the person should be a landowner, because we have very few landowners.

9174. Dr. TRAILL.—They might sell out their property under some future purchase scheme?—They might.

9175. Are there other persons available as trustees?—There are persons of business habits and intelligence, but they are not qualified by property. We have some substantial men and intelligent, but we have not men of education. We have a sufficient number of Protestant landowners. The difficulty is to get a Roman Catholic for a trustee who is qualified as a landowner.

9176. Lord Justice FRANKENBERG.—At present your money is in the Court of Chancery of England, would you object to its being transferred to the Commissioners of Charitable Donations and Bequests in this country?—I would not object; I would be for it.

9177. If it were so transferred would you object to those Commissioners having the same jurisdiction in the appointment of trustees that the Court of Chancery in England now has?—I have not thought of it.

9178. Lord Justice FRANKENBERG.—They are not as expensive as the Lord Chancellor of England?—I would like to enquire on the trust as inexpensively as possible.

9179. At present if a Roman Catholic lay trustee is wanted you select a suitable person, and if your Protestant colleagues agree, there is no more trouble about it; in the same way you and your lay colleague would not think yourselves justified in objecting if the rector proposed a satisfactory Protestant. Therefore really the nomination is with the parish priest and rector. If we allowed the parish priest and his bishop to nominate the Roman Catholic layman, and the Protestant rector and his bishop to nominate the Protestant layman—wouldn't that do quite as well as going to England?—Quite so well; I would be satisfied with that arrangement.

9180. Once you had four trustees two more could be obtained by letting the four co-opt, if they should think proper, one more Roman Catholic and one more Protestant, so as to enable you, if there should be a good and useful man in the neighbourhood, to bring him in.

9181. Dr. TRAILL.—You will lose £40 a year by the change in the funds—a twelfth of your income of £720?—Yes.

9182. Lord Justice FRANKENBERG.—If you will consider the matter carefully and put down on paper any suggestions for the improvement or alteration of the existing scheme, we will be very glad to consider them, and they will be of great assistance to us?—I will be very happy to do it.

9183. Rev. Dr. MOLLER.—How many Catholic parishes are there corresponding to Loughboro, Oldcastle, Moyle, Killea and Killybegs?—These are the same.

9184. Are there five Catholic parishes?—Moyle and Oldcastle form one united parish. Killea, Killybegs, and Mount Nugent are one in the Catholic sense. Loughboro belongs to Oldcastle.

9185. Lord Justice FRANKENBERG.—Then there are two parish priests and three incumbents in the district contemplated by the scheme?—Yes.

9186. Rev. Dr. MOLLER.—The school affords education to all the inhabitants of Oldcastle parish?—Yes.

9187. Have the parishes of Killea and Killybegs schools of their own?—They have National schools and the children don't come here, except a few.

9188. If you had a teacher of such a subject as the

use of tools, would these schools consider it an advantage that the teacher should be sent to them for one or two hours a week?—I dare say it would be a great advantage.

9189. Dr. TRAILL.—Would they not prefer the children of these National schools together any time the teacher came round?—Oh, to be sure; I think they would.

9190. Lord Justice FRANKENBERG.—Is there anything else that you wish to tell us?—The assistant teacher at present only gets a salary of £18 from the endowment, which is out of proportion to the work he has to do in the school. That with his salary from the National Board is inadequate. Under the new scheme the assistant teacher is only allowed to get £18, and it is not enough at all, it ought to be increased.

9191. Rev. Dr. MOLLER.—What is the "new scheme" that you refer to?—The scheme of 1833.

9192. Dr. TRAILL.—That was obtained to allow you to get under the National Board?—Yes.

9193. Rev. Dr. MOLLER.—Was that given by the English Court of Chancery?—Yes.

9194. The old scheme was the scheme of 1837?—Yes.

9195. Dr. TRAILL.—How much did the scheme of 1833 cost you?—It cost £189 19s. 11d.

9196. Lord Justice FRANKENBERG.—It may interest you to know that the expenses of some schemes settled by us for larger institutions did not cost the charities as many pence as you paid pounds. We have seen the school, and we understand its position. It seems to be working well and quietly, but not much better than an unendowed National school of the same size ought to do. The trustees should have a special meeting, and consider carefully any changes in the existing constitution, which might be advantageous. Any change whatever can now be made without expense, and with fuller effect than any Chancery scheme. We can incorporate your governing body, so as to relieve you from going to Chancery for the appointment of new trustees. You will also consider about the money; it is in England at present. The only body in Ireland that I know of, to whom it could be transferred with advantage, are the Commissioners of Charitable Donations and Bequests. They could hold it in Ireland, and pay you the dividends half yearly without expense. Putting your accounts in England is expensive; that can be put an end to and a system substituted of passing your accounts before an auditor appointed or approved by the Local Government Board, which costs between £1 and £2 a year. Then as regards education, we would like you to consider whether you could not do more with your endowment. Your teaching is admirable as National school teaching, but you could make some provision for the intermediate education of children. I suppose you have doctors, shopkeepers, agents, gentlemen farmers, and others in the place who want education for their children which you could give by the formation of intermediate classes. Then at the other end of the line there is the industrial teaching, intended by the founder of the charity but abandoned, and technical instruction; also for infants there is the Kindergarten system, and there are all the branches of Science and Art. We can give you power to introduce all these arrangements. As to the nomination of lay trustees, you might consider whether the parish priest and the rector might not, with the concurrence of their respective bishops, be empowered to name two, and the whole body empowered to co-opt others. If you will send us suggestions on these points we will give them the fullest consideration, and will draw up a scheme calculated to improve the place.

Witness.—We require to do something now in the way of painting and repairs, and we have money in hand, but by the terms of the scheme we are obliged

to return it, and invest it in consols in London. Can we retain it now by your authority?

9197. Lord Justice FRYGEBORN.—We have no authority except to settle a scheme; and until it is finally approved it has no effect. But practically, if you execute your repairs without waiting for three or four months, the scheme would make that right.

Rev. Mr. Durdin.—We would like to do it during the holidays.

Lord Justice FRYGEBORN.—Let us have a copy of the lease under which the farm is held, and also a copy of the old scheme.

The inquiry then closed.

April 21, 1888.

The Rev.  
Edward  
Graham.

## PUBLIC SITTING—THURSDAY, JUNE 21, 1888.

At Dempsey's School, Kells.

Present:—The Right Hon. Lord Justice FRYGEBORN and the Right Hon. Lord Justice NAISH, Judicial Commissioners; and the Rev. GERALD MOLLAY, D.D., D.Sc., ANTHONY TRAILL, Esq., LL.D., M.D., F.R.C.S., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, Junr., was in attendance.

### DEMPSEY'S SCHOOL, KELLS.

Lord Justice NAISH read the devise in the Will of Miss Dempsey.

WILLIAM FORD, Esq., sworn and examined.

9200. Lord Justice FRYGEBORN.—You are solicitor to the trustees of Miss Dempsey's school?—Yes.

9201. How long have you acted on their behalf?—Since the death of my father in 1865.

9202. He was their solicitor previously?—Yes.

9203. The foundation is under the will of Miss Catherine Dempsey?—It is solely managed under the will.

9204. Under the will the governing body consists of the Roman Catholic bishop and archdeacon of the diocese, and one layman nominated by them?—Yes.

9205. Lord Justice NAISH.—Who is the present layman?—Mr. James Killeen.

9206. Lord Justice FRYGEBORN.—How long has he been acting?—Since 1873—since the death Mr. Crotty, formerly member of parliament for this county.

9207. Since 1865 how many changes of trustees have there been?—There was a change of trustees in 1863, caused by the death of the Rev. Father McEvoy, who was parish priest, and again on the appointment of the Rev. Father Ganghoun in 1876.

9208. How long has the present Dr. Nulty been bishop?—Since 1868.

9209. On the occasion of each vacancy have you had a conveyance of the property executed?—Yes, by the survivors.

9210. Did they consider it necessary to have a deed of conveyance executed every time there was a change?—Yes, under the advice of the late Sir Michael O'Loughlin.

9211. Give us roughly the expense of the transfer of the property on the occasion of each vacancy?—£5 was the outlay for the deed, and 30s. stamp duty.

9212. What does the property consist of?—All land.

9213. How are the school premises held?—Under a lease from Lord Rossmore for 999 years, given in 1847 to the three trustees for the purpose of building a school.

9214. What rent is paid for the school premises?—£40 a year.

9215. What is the quantity of land?—The take on which the school stands is about three acres.

9216. Is £40 a full rent?—Yes.

9217. There is no valuable interest in the leasehold except that created by the befalling?—None.

9218. What was the expenditure on the building?—The school was built under contract for £3,300.

9219. The first item of property bequeathed by the will is the estate of Balmaine—what does that consist of?—About 178 acres 1 rood 35 perches, held in fee, purchased by the late Sylvester Dempsey, father of the testatrix.

9220. What is the present condition of that property?—The rental at present is £321 6s. 4d.; it is set to three tenants. It was originally let by lease, but the lease expired in 1878 and 1879. The lands were held on a tenants from year to year, and 1887 the lands were valued and set to the same tenants at the present rental.

9221. They are not present tenants under the Land Act?—No.

9222. How does it compare with the old rent under the lease?—The old rent under the lease was £150 more. The lands were originally let on lease in 1846 to three tenants.

9223. Lord Justice FRYGEBORN.—Then the successors to the three tenants to whom the lands were let in 1846 still hold, but at rents £150 less than the rents of 1846, and amounting to £321 6s. 4d.?—Yes.

9224. What are the outgoings?—Tithes-rentcharge, income tax, and poor rate. The proportion of poor rate comes to £40 a year.

9225. What is the net amount available for school purposes?—£321 in round numbers.

9226. How is the estate managed?—I receive the rents.

9227. You charge the usual poundage of 5 per cent.?—Yes.

9228. The next item bequeathed is "all her interest in the lands of Sydderath, near Kells"?—The lands of Sydderath were held under three leases of different terms. Mr. Edward Moore O'Ferrall is the head landlord. The only property the trustees now hold is 35a. 2r. 31p., for which they have a lease for ever. They originally held 141a. 0r. 28p.

9229. I see by the Report of the Commission of 1880 that Sydderath and South Park are stated to contain 333 acres statute measure, formerly leasehold property, but only part of which had been held by the trustees since the expiration of a lease in 1878.

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esq.

It was subject to a rent of £148 18s. 6d. and 211 2s. tithe-rentcharge. The report states that these lands were originally let to seven yearly tenants at rents amounting to £424 12s. 11d., but in 1880 this leasehold property produced £264 12s. 6d., and part of this was alien to fall out, involving a loss of income to the school of £200 a year. That has occurred since; they have at present of Sydderath only 35s. 3s. 31p., set at £24 10s. 8d.

9238. There is a head rent of £43 6s. 11d. and outgoings—namely, tithe-rentcharge £10, and the proportion of poor rate. These come to about £17.

9239. Then, practically, you have very little profit out of Sydderath?—Practically so.

9240. The main endowment available for educational purposes is £280 out of the fee-simple property?—That is all.

9241. Is there any accumulated or invested money?—None.

9242. Out of what fund was the school building erected?—There was originally a mortgage by the trustees for the purpose of building the house. It has been paid off some years.

9243. Is this place now held free from any incumbrance?—Even any incumbrance, but subject to the rent of £40 a year.

9244. Dr. TRAILL.—Was the £3,300 borrowed?—It was.

9245. And paid off since?—Yes.

9246. Lord Justice NAUGHTON.—Was it by means of subscription that it was paid off?—No. During the time the mortgage was outstanding the trustees kept funds for the purpose of reducing it from time to time. It was paid off out of the rents of the lands by the trustees.

9247. Lord Justice FRYGEMAN.—The lady gave "all her estates, freehold, leasehold, and otherwise, wheresoever situated"—was there any remainder fund?—These lands are the only property.

9248. Is there any inconvenience in the management of the property, except that involved in the transfer on each appointment of a new trustee?—That is the only one. The trusts of the will have been carried out ever since.

9249. How do you account?—Once a year. The trustees meet once a year regularly for the purpose of settling and signing the accounts.

9250. Was there any occasion on which there was a vacancy for any length of time without it being filled?—No, when a vacancy occurred a meeting was called for the purpose of filling it up early.

9251. Dr. TRAILL.—Is the governing body of the institution the same now as under the original will?—Yes.

9252. Lord Justice FRYGEMAN.—If it happened that a layman was to die, and either of the other parties fell vacant there would be only one remaining trustee?—That is all, but the number has been kept up.

9253. What is the tenure of the tenants on the Sydderath property?—The same as on the Balraskine.

9254. Are the trustees bound by a covenant to pay the head rent?—They are bound by the lease.

9255. There is a covenant in the lease?—There is.

9256. Are they direct lessees?—The original trustees were Dr. Cantwell, Father McEvoy, and Mr. O'Reilly.

9257. Were they original lessees?—No, Mr. Dempsey, the father of the testatrix was the original lessee.

9258. If the trustees ceased to have any beneficial interest in that leasehold can they get rid of it by assignment?—I should say so.

9259. Have they any leasing powers, except that given by statute generally to trustees?—No, none.

9260. Dr. TRAILL.—Have you had any difficulty in collecting this reduced rent of £331 for the last few years?—Well, not very great difficulty. The tenants

get time. They require time. In the last year there was a further reduction of twenty per cent. made by the trustees in the rent for last season—it was a temporary abatement.

9261. Are they chiefly grazing lands?—They are agricultural farms.

9262. Lord Justice FRYGEMAN.—You had litigation about some of this property?—There was any amount of litigation.

9263. What about?—Originally when Miss Dempsey died the poor people of the parish thought they were the best entitled to the land. It had been managed in common previous to Miss Dempsey's death. On her death the trustees thought it better to let it. The people took possession of it, and would not let it be let for twelve months or two years.

9264. Lord Justice NAUGHTON.—When was that?—In 1845. The leases made by the then trustees were for thirty-one years, or the life of Prince Albert. The leases expired, and the poor people again took possession of the land in 1877.

9265. Dr. TRAILL.—Wasn't land at its lowest when the leases were made in 1845?—I don't know. They took it by proposal. 1845 and 1847 was the famine time.

9266. Lord Justice FRYGEMAN.—How was the litigation settled in 1877?—By an action in 1878, 1879, and 1880. We turned them out.

9267. They came in again as tenants from year to year?—From year to year.

9268. How was the present rental fixed?—The trustees appointed a gentleman to value the lands.

9269. Dr. TRAILL.—Were they the same tenants that took the new holdings?—No; there were two farms of which the tenants' representatives remained in possession; and one farm was altogether taken possession of by the poor people of the parish.

9270. But you ejected them?—Yes.

9271. Are the tenants in possession now the same tenants as formerly?—The representative of the tenant who had it previously got it after the litigation.

9272. Lord Justice FRYGEMAN.—Between loss of rents and costs, how much did the Charity lose by the litigation?—The trustees got no costs from the defendants; they had to pay their own costs—something like £200.

9273. They lost at least a year's income, besides the land being idle?—They do.

9274. Do the present tenants hold under written proposals?—No, they attended a meeting of the trustees, and agreed to take the land at a rent settled by the arbitrator.

9275. How much have they paid since?—They have paid the rents regularly.

9276. The settlement was in 1867?—In 1867, but it went back to 1865 and 1866.

9277. Up to what time is it paid at present?—Up to November, 1887, some of it—May, 1886, and November, 1887.

9278. Dr. TRAILL.—The £321 rent was fixed when the leases expired in 1878?—It was not settled at that time, but it was calculated from that time.

9279. They have paid it from that time?—Yes.

9280. Have they got no reduction since 1880?—They got a reduction of twenty per cent.

9281. Lord Justice FRYGEMAN.—That is a reduction of twenty per cent. on the reduced rental?—Yes.

9282. But the dispute was only settled last year?—That's all.

9283. So that the present rent was fixed in 1877?—Fixed in 1887.

9284. Dr. TRAILL.—For how many years was the reduction of twenty per cent. given?—One year—the last year, on the reduced rent.

9285. What was the rent between 1878 and 1887?—A rent which, when we came to settle in 1887, was calculated at the rate settled in 1867. They always paid something on account. We did not close the

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account till 1887, and then the rents were calculated from the beginning to 1887, and the tenants got twenty per cent. off for last year.

9270. The trustees have no powers of sale or letting except what ordinary trustees have by statute?—*Yes.*

9271. Then powers of that sort might be useful?—*In the event of their wishing to dispose of it.*

9272. How are the repairs of the building executed—do you look after that?—*No, I do not. I merely deal with the tenants. At the annual meeting there is a representation made by the gentlemen at the head of the establishment requiring such and such*

things to be done, and some of the trustees see if it is necessary.

9273. Do the trustees keep a bank account?—*They do.*

9274. Do you lodge the rents in the bank on account, or only when you settle your account?—*When I clear off the head rents and charges; I generally lodge the balance at the end of the year.*

9275. How are the outgoings paid?—*The outgoings are paid by cheque drawn by me. I don't pay the allowances for teaching; I merely pay the head rents, the taxes, and charges.*

9276. You leave the payments for education to the trustees?—*I leave that to the resident trustees.*

*The Rev. Laurence Gargrave, R.P., sworn.*

The Rev.  
 Laurence  
 Gargrave.

9281. Lord Justice FRYGEMAN.—How long are you parish priest of Kells?—*Since April, 1885.*

9282. Are you, *ex-officio*, one of the trustees of the Desmay Charity?—*I am supposed to be.*

9283. Rev. Dr. MOLLOY.—Is there any difficulty about that; are you the archdeacon of the diocese?—*I don't know that there is any archdeacon of the diocese at all.*

9284. Has there been any embarrassment arising from the provision of the will naming the archdeacon as trustee?—*I cannot say. I believe my predecessor, Fisher Nicholls, had himself appointed archdeacon from Rome for that purpose.*

9285. There is no Archdeacon of Meath at present upon you are cast?—*I don't think there is.*

9286. You have been acting as trustee?—*Yes.*

9287. And the property was conveyed to you as a trustee?—*Yes.*

9288. Dr. TRAILL.—It could be very easily remedied by making you an archdeacon?—*Very easily.*

9289. Lord Justice FRYGEMAN.—An archdeacon is not necessarily attached to any particular parish?—*No.*

9290. The trustees regularly meet, Mr. Ford tells us, once a year for settling the accounts; have you a fixed time for meeting?—*Our last meeting was on the 24th of April last, and the previous meeting was in September, 1887; there is no fixed time exactly; it is considered desirable to meet twice a year.*

9291. Do you meet at the school?—*In the small room attached to this schoolroom.*

9292. Where is the bishop's residence?—*The bishop has two residences—one at Mullingar and the other at Navan. He is about half a year at each place.*

9293. What part does the present lay trustee take in the management?—*He gives his opinion of the various matters. He makes payments. I was unwell for a year, and he made the payments in my absence. The ordinary payments to the Brothers are made by cheques signed by two of the trustees.*

9294. In your dealings with the tenants, who acts for you—do you leave that altogether to Mr. Ford, or do either the lay or clerical trustees meddle in it?—*We leave the collection of the rents to Mr. Ford.*

9295. When the tenants were looking for abatements?—*Oh, well, we gave him a helping hand then.*

9296. Dr. TRAILL.—Did you decide upon the abatements yourselves or did you leave your solicitor a discretionary power to do so?—*We decided, as far as I remember, the question of abatement ourselves.*

9297. Lord Justice FRANKS.—Having regard to his view, I suppose?—*Yes.*

9298. Lord Justice FRANKS.—Who ultimately made the agreement by which the rents were fixed?—*The trustees. The tenants were called in, and the trustees decided that it should be left to the valuation of two men, one appointed by the trustees, and the other appointed by the tenants—two practical farmers of the locality.*

9299. Did they agree?—*They agreed, and everyone says they put on rather a high rent.*

9300. You took 20 per cent. off £1—*In order to secure the rent.*

9301. I presume you would not have taken off the 20 per cent. if you could have got the 30 per cent. otherwise?—*No.*

9302. Rev. Dr. MOLLOY.—The 20 per cent. was taken off an account of an exceptionally unfavourable year?—*On account of an unfavourable year.*

9303. Lord Justice FRANKS.—Was there any prospect of getting a full year's rent?—*I fear not. I fear that even the reduction of last year hardly satisfies them.*

9304. Rev. Dr. MOLLOY.—The Christian Brothers have the boys' school?—*Yes, the boys over eight.*

9305. And the nuns have the girls and infants?—*Yes.*

9306. Including the boys and girls up to eight?—*Yes.*

9307. Lord Justice FRANKS.—It was stated in 1880, that four Brothers had charge of the establishment—three teaching, and one attending to domestic duties?—*There are not four Brothers now, only three, and a servant is employed instead of the fourth.*

9308. What stipend do you pay to the Brothers?—*From £44 to £48, quarterly.*

9309. Rev. Dr. MOLLOY.—The girls' school is now under the National Board of Education?—*Since 1886.*

9310. Do you pay the nuns any stipend from the endowment?—*Yes, they have a house; it belongs to the endowment. The two rooms underneath where we are sitting are schoolrooms belonging to the nuns, and these were erected by the Desmay Charity, and in the opposite wing the class rooms are on the ground floor, while the upper rooms are the nuns' cells. All these buildings are part of the endowment. Then they have two acres attached to the school—also part of the endowment, and the trustees took a house adjoining the school, for which they pay £30 a year, for the nuns. They give them also £26 a year for the cleaning of the schools, and a few other requisites.*

9311. Dr. TRAILL.—How many nuns are there?—*Twenty.*

9312. Are they all employed in teaching?—*All except one.*

9313. Rev. Dr. MOLLOY.—The number of girls is 296 on the roll.

9314. And the number of infants?—*168 on the roll. The number of girls in attendance is 278, and the number of infants in attendance, 134.*

9315. Then the total number on the roll is 464, and the total attendance, 412?—*Yes.*

9316. Which is an average attendance of 71 for every hundred on the roll?—*Yes.*

9317. What remuneration do the nuns get from the National Board, I find in the statements handed in, "Nuns' salary, £80 per annum per 100 pupils average attendance." They have an average attendance of 600, so that that would represent £240 a year, and in addition they have recital fees, £228?—*Yes.*

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The Rev.  
Lawrence  
Geoghegan.

9320. And, lastly, they have school fees, £95 15s. That appears to represent a very healthy condition of the school, both as regards attendance, results fees, and school fees. A very healthy condition.

9321. Lord Justice Fitzgerald.—Is there any intermediate teaching by the nuns?—Not at present; there was in the beginning.

9322. Why was it discontinued?—The nuns told me that they found it very hard to manage it in a day school.

9323. Rev. Dr. Molloy.—“The following extra branches:—Sewing machine, girls’ reading book”—what is that?—The girls’ reading book treats of cookery and domestic economy, which is considered an extra by the National Board.

9324. I find also, “Cookery, physical geography, drawing, French, and instrumental music”—do you know how they teach cookery?—They bring the children into the kitchen. They put them practically through the work, and the Inspector goes round and sees it.

9325. Lord Justice Fitzgerald.—Then they have a practical cookery class and theoretical books besides?—They have.

9326. Rev. Dr. Molloy.—Do the children take an interest in the cookery class?—They do.

9327. And find it an advantage when they go to their homes to be able to cook for their families?—Yes.

9328. The nuns have also the Kindergarten system? They have.

9329. I find that the Inspector reported in October, 1885—“The Kindergarten system has lately been introduced, and more progress made than I should have considered possible in the time.” Has it since been carried out?—It has, successfully.

9330. How did they establish it at first?—They got a teacher from Dublin.

Rev. Brother John P. O’Brien.—Two teachers came down, and stayed five or six weeks, and made it a continual study, going from one school to another. When the children were sufficiently expert the Christian Brothers were brought in to see how well the children were able to get along with it. I am able to say that ever since the Kindergarten system has been going on regularly day by day.

9331. Rev. Dr. Molloy (to witness).—And it has given satisfaction?—Certainly.

9332. Do the children like it?—Yes.

9333. And you find it develops their intelligence? Yes, to a remarkable extent.

9334. Before 1880 the nuns received £120 a year from the endowment, but were not connected with the National Board?—They were then not connected with it.

9335. Since 1880 they have been connected with the National Board, and have received only £26 a year from the endowment?—The rent and taxes of the convent are paid out of the endowment, and that house before alluded to—that is paid for also out of the endowment.

9336. Consequently the connection of the school with the National Board has relieved the endowment from a charge of about £100 a year. Are the nuns as well off as they were before?—I should say the nuns think they are much better off.

9337. Dr. Traill.—They get £240 a year now, and £228 results fees from the State, instead of £120 formerly received from the endowment?—Yes.

9338. Rev. Dr. Molloy.—Their connection with the National Board has also improved their school?—Benefited it immensely.

9339. Lord Justice Fitzgerald.—The endowment was much larger formerly than it is now. Since 1880 the income fell from £700 a year to £300. Was it this circumstance that induced you to join the National Board?—The nuns had to join the National Board on that account.

9340. Rev. Dr. Molloy.—The practical result is, that notwithstanding the diminished value of the

endowment, the work is as well done as it was before, and the nuns are as well off!—As well off, and the work as well done.

9341. Dr. Traill.—While they lost £120 a year, they got £570 a year from the State.

9342. Rev. Dr. Molloy.—The last report that you received from the Inspector of the National Board, dated 10th October, 1885, states:—“The members of this staff each in their own sphere, have with great diligence and considerable skill laboured in teaching and instructing the classes. The result is satisfactory. Besides the ordinary branches of the school course in which the answering was decidedly good, the following extra branches are taught with great care and credit:—The sewing machine, girls’ reading book, French, drawing, instrumental music, cookery, and physical geography. Taken in its entirety the school is very efficiently conducted.” He makes no mention here of the Kindergarten system, but in the preceding year, 1885, the report was that the “Kindergarten system has been lately introduced and more progress made than I should have considered possible.”

9343. Dr. Traill (to witness).—Do any Protestant children attend the school?—Protestant children have attended the Christian Brothers’ school.

9344. The school is open to them?—The school is open to them, but I don’t know that there is any Protestant in it at present.

9345. Lord Justice Fitzgerald.—Is there any parochial school in Kells connected with the Protestant church?—The Protestant school of the town.

9346. Is it a National school?—It is.

9347. Rev. Dr. Molloy.—I find that for the 40 children in Miss Dempsey’s schools, there are nine monitors?—Nine monitors acknowledged by the board.

9348. And the trustees pay £40 a year additional for assistant teachers?—No, this is paid by the nuns themselves.

9349. Lord Justice Fitzgerald.—You understand what our powers are. We can make any alteration that may be thought desirable in the governing body of the school, and can also make it a corporation with legal succession, so that instead of having fresh deans at each change of trustees the mere appointment would make the new trustee a member of the corporate body.

9350. I presume you think the parish priest ought to be trustee, no matter who the archdeacon is?—Yes.

9351. Rev. Dr. Molloy.—All difficulty would be got over by naming the parish priest of Kells for the time being?—I think so.

9352. And if you are archdeacon in addition is much the better?—Yes.

9353. Dr. Traill.—But you would not like the archdeacon to have the management to the exclusion of the parish priest, if there was an archdeacon?—I think not.

9354. That is the awkward part of the will, for if there were an archdeacon you would be ousted?—I suppose we can only supply the deficiency.

9355. Lord Justice Fitzgerald.—Is the archdeacon appointed by the Bishop in your Church?—As a rule he is appointed by the Bishop.

9356. You say that your predecessor was appointed archdeacon directly from Rome?—I was told that.

9357. There has been no appointment of an archdeacon since?—No appointment.

9358. The office has been vacant since 1821?—Yes.

9359. Do you remember whether the clergyman mentioned in the lady’s will was archdeacon?—He was not, he was not even parish priest at the time; but this was a bishop’s parish, at the time the will was made.

9360. For looking after your affairs and matters connected with your treasury, do you think it would

be an advantage to have more than one layman associated with you as trustees?—I cannot say.

9351. That is a matter about which we would be glad you should consult your bishop; and we shall be glad to hear from you any suggestion that you think worth while to make. The expense of any scheme of ours does not exceed £2; but there are two matters which we are obliged to put into every scheme. One is, that the schools sharing in the endowment shall be subject to inspection; and the second is that they must submit their accounts once a year for audit, either by the Local Government Board Auditor, at a cost of say from £1 to £2, or by an auditor to be approved by the Local Government Board; and the Local Government Board have informed us that as a rule they will approve any qualified accountant who is independent.

9352. Rev. Dr. Motter.—I think a board of five would be convenient, and in that case we might add another layman and another ecclesiastic. Five would be the smallest number we would incorporate as a body of trustees. To what extent do the nuns teach needlework?—Plain sewing.

9353. Do they teach any lace work?—No, I think not.

9354. Or any fancy needlework?

Rev. Brother J. P. O'Brien.—One of the young ladies told me that they embroidered things for surplusage. Witness.—The Christian Brothers are about leaving the schools here. The trustees are now engaged in making arrangements with them to get a separate establishment. The schools are in course of erection near the railway. My predecessor commenced the work; but at his death a large balance remained due. That debt has been cleared off by us. None of the money was taken out of the Dampsey fund. The Bishop gave me not only what cleared off the balance of debt on the place, but also what was required for the erection of two schoolrooms in order that by moving the Brothers there the nuns might have some single rooms here to give instruction to poor girls who are idle in the town.

Rev. Brother John P. O'Brien sworn and examined.

9355. Lord Justice Fitzgerald.—How long have you been among the Brothers teaching here?—In this place two years and a quarter; I was teaching in Kells twice before, as far back as 1860.

9356. You are now the head teacher?—Yes.

9357. What other Christian Brothers' schools have you been teaching in?—In several, Limerick, Newry, Ennis, Drogheda, Thurles, and some others.

9358. At what dates have you been here?—I was here in 1865, also from 1880 to 1883, and now I have been here since March, 1886, as principal.

9359. What are your present numbers in attendance and on the rolls?—In 1887 the daily average attendance was 154, and 180 on the roll.

9360. Rev. Dr. Motter.—Your average attendance is 61 per cent. of the number on the roll?—Yes, the attendance is very good; three things have brought about this figure—first, the visits of the nuns to the houses of the children, these advise parents to send the boys to school; secondly, the frequent exhortations of the clergy to the parents; thirdly, the schools have a good reputation being well taught and well conducted.

9361. The parents become interested?—Exactly so, and then we have the South Kensington Art examination.

9362. Then the cause of the good attendance is that the people are kept up to their duty by the nuns and priests, and the teaching is up to a good standard?—Yes.

9363. Lord Justice Fitzgerald.—I see that in 1887 it was stated that there were 220 boys on the roll, and in 1880 that there were 240, so that there must have been a reduction in the number?—Yes;

9364. Lord Justice Fitzgerald.—Then you will make this exclusively a female school?—Female and infant boys' school.

9365. Then it might be wise to take authority to utilize this building for girls only, for the original trust is for children of both sexes?—For boys and girls still, but the boys would be infants. There is ample room beyond for workshops, and Mr. Hooge, of Ararat, promised me technical instruction for fifteen boys, if I could give £200 a year to pay the teachers.

9366. It might be worth while to take authority to transfer part of the money from this endowment for doing these things—would it not?—It would.

9367. Rev. Dr. Motter.—All that you have expended up to the present is in paying teachers?—And in meeting current expenses.

9368. Dr. Traill.—Are the premises here too small for the girls?—They are small enough.

9369. Rev. Dr. Motter.—Are these two rooms the entire accommodation for the boys?—Yes, for the Brothers' boys.

9370. Dr. Traill.—If you take 150 boys over to the other school, will you fill this place with 150 more girls or infants?—The nuns wish to give additional training in domestic matters—sewing and needlework—and they would utilize this space for that purpose.

9371. Rev. Dr. Motter.—There are 554 pupils on the roll, and the average attendance 402. I suppose that the whole building is required to afford sufficient accommodation for that number?—That is quite so.

9372. The average attendance in the Nuns' school is 71 for every hundred on the roll; that is a very high percentage. Can you tell us how it comes to be so high. At Oddon the attendance is only 58 per cent.?—There is very little of a country population here. It is a town population; and the Nuns everywhere are certain to secure a good attendance. They have the means of bringing up the children.

9373. Dr. Traill.—I suppose they visit them in their houses when they miss them from the school?—They send children in search of the absentees.

a change came about then, in 1881 the Dampsey Trust did not seem sufficient to meet the expenses of the Sisters of Mercy and the Brothers. I understood that on sundry accounts Father Nicolls, R.N., was advised to apply to the Superior General of the Brothers for a transfer of the boys under eight years of age from our care to the care of the Nuns; the Superior General directed accordingly, and some sixty young boys were sent out; a regulation was subsequently entered into, that all young boys were to be sent to the nuns first, and continue with them until eight years old; this arrangement cut off the feeding power for our three schools, the attendance sensibly diminished so that after some four years the boys of our three schoolrooms found plenty accommodation in two rooms. In 1880 the local superior had charge of a school, and so could give no supervision over the other two rooms, but at present the case is altogether different.

9374. Dr. Traill.—Does 189 represent as many boys above eight years old as you have?—Yes, it represents all the boys we have in the two schools.

9375. Rev. Dr. Motter.—The infant boys formerly came to your school?—Yes.

9376. Under the present arrangement they go to the nuns?—Yes.

9377. Lord Justice Fitzgerald.—In 1887 there were 220 in the boys' school, and only 113 pupils in the girls' school; but in 1879 there were 240 boys on the roll, and 339 girls. Now they have got over 500; so that there is a larger number in attendance at the two schools than there was then?—Yes, that is so, but the nuns have plenty school accommodation for the increased number. The Brothers have no co-

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The Rev.  
Lawrence  
Gaughran.

Rev. John P.  
O'Brien.

June 13, 1888.

The Rev. John  
P. O'Brien.

commodation for an increase in number. The school-room in which we now sit accommodates seventy boys, but at the outside eighty. The next school (No. 2) suits sixty or so. No. 1 schoolroom is thirty-eight feet by thirty feet, No. 2 room is thirty feet by thirty. The schools which we shall have at Sharpe's will be of equal dimensions, and will enable us to distribute the boys equally. At present No. 2 school is over-filled.

9388. What number of children pay fees?—In No. 1 school four boys paid 1d. each last week, and the requisite amount was 6d., but the boys are distressed generally. In No. 2 room the boys are better conditioned and contributed 4s. 11d. school fees, and the requisite money was 3s. 4d. Between eighty and ninety boys attend No. 1 room, of whom only four paid last week. Their usual weekly payment is 6d. or 8d. The boys in No. 2 pay fairly, two boys pay 2s. per week, seventeen pay 2d., and twenty-four pay 1d. Between both schools the weekly fees are something like 6s. a week.

9389. Rev. Dr. MOLLOY.—Do all the boys receive the same education whatever fees they pay?—Yes—no distinction is made.

9390. In teaching you make no distinction; every boy is taught what he is qualified to learn?—Precisely so; the boys of No. 1 are entitled to compete with the boys of No. 2.

9391. Each boy pays what he is able to pay, and all get the same teaching?—All the same. During 1836 we received £15 school fees; in 1837, £14 5s. was received, and in 1838 we have received £6 10s. up to this date. I expended, under the heads of school expenses, pupil teachers, and premiums and gratuities, £14 10s. 9d., in 1836. In 1837, under the like heads the expenditure was £17 5s. 3d., and in 1838 to this date the expenditure was £7 8s. The school fees received in 1836 were £15; in 1837 were £14 5s.; and in 1838 are £6 10s., thus making the receipts £20 15s. and the expenditure £29 6s.

9392. Have you any intermediate classes?—No.

9393. How were the intermediate classes discontinued here as to boys and girls?—About 1830 three schools were in operation; the local Superior had charge of one of the schools. The Brother who had the intermediate had sixty boys to teach; by reason of the additional labour of the intermediate classes it was alleged and represented that the teacher devoted himself too exclusively to the teaching of some 16 or 18 boys, to the detriment of the other boys, so the parents of some complained on that account, and at the instance of Father Nicolls the intermediate classes were discontinued.

9394. Lord Justice NALLEN.—So that it came to an end for the want of another Brother?—We should want two additional Brothers for intermediate classes and science classes.

9395. Lord Justice FRYGIMAN.—In Dandalk School under Mr. Yorke we found seventy boys in an intermediate class with one Brother teaching, but it was very hard work?—It was too hard work, the outcome of it will probably be disabled constitutions.

9396. Is there any provision for intermediate education in Kells now?—Not that I am aware of.

9397. No private school?—No; the intermediate was discontinued in order to secure that all the children attending the schools should get equally fair training, and some of the parents objected to their children being overworked. The teaching of Latin was likewise objected to on account of the proximity of Kells to Navan, where a seminary exists. Some time ago nine or ten boys were at the Latin grammar, and at Omeath.

9398. And you now teach no Latin?—No.

9399. How far off is the intermediate school that you say would be interfered with?—The Navan school or seminary is about eight miles from here.

9400. What is it called?—The Navan Seminary.

9401. Rev. Dr. MOLLOY.—Will you briefly explain

what is your plan of industrial and technical education for the new schools which are being built—what is the system of instruction you propose to carry out there?—We are to remove from our present place to the two new schools which can be more accommodated for us. Already an engine and machinery are on the premises. There is also a large area, say 150 feet by 70, which can be utilized for workshops. Also an income is coming in from the Bernash Pond. At present £30 a year is realized by it. I receive £20 per annum to apprentice two boys. It is proposed to transfer the £30 a year to the new place, sufficient to get a couple of workmen to teach 600m. boys some handicrafts. We shall also have at our disposal £25 per annum, which is paid as rent for our present residence.

9402. Professor DOUGHERTY.—You propose to devote the fund now available for the payment of apprentices fees to giving technical education in the new school?—Yes, the £30 for the apprenticing of the two boys.

9403. You think that would be a more useful application of the money than the present payment of apprentices fees?—Yes.

9404. Lord Justice FRYGIMAN.—You are going to pay it in apprentices fees still, but to boys who will get their training in your own school?—Yes.

9405. Professor DOUGHERTY.—Do you find any difficulty in providing suitable places for the boys with whom you are giving fees?—I have found considerable difficulty.

9406. Dr. TAGHILL.—£15 is too small a fee?—The small sometimes.

9407. Rev. Dr. MOLLOY.—The system of apprenticeship is not so much in vogue as it was formerly?—No; the £15 is sometimes too much and sometimes too little.

9408. What do you propose to teach in these new shops?—Nothing definite has been fixed upon as yet; wheelwrighting is in contemplation, also agricultural instruments of some kind, tin smith, harness making.

9409. Lord Justice FRYGIMAN.—Mr. Sharpe, whose place you bought, was a tinsmith?—Yes.

9410. He had also a stonecutting establishment?—Yes, some forty men were employed by him in Kells.

9411. He has removed to Dublin and you have got his establishment?—Yes, it has been purchased, but not from the Dampney fund.

9412. You have bought his steam engine?—Yes.

9413. You say that it has been bought from another fund; in whom is the property vested?

Rev. Mr. CARMICHAEL.—It is vested in trustees, the bishop and a layman.

9414. Lord Justice FRYGIMAN.—The trustees are practically the same as those last?—Except the layman.

9415. But the constitution of the body of trustees is practically the same?—Yes.

9416. If you thought it desirable to get rid of debt there too, it would be quite in our power to constitute one board for both institutions?—I know.

9417. It is, I presume, an exclusively Roman Catholic endowment that you have?—It is.

9418. Rev. Dr. MOLLOY.—The layman is not the same on the two boards; but if we prepare a scheme we could put both laymen on the common board, and add another ecclesiastic?—Yes.

9419. Lord Justice FRYGIMAN.—You propose to supply industrial education, and the teaching of handicrafts at the new school?—Yes.

9420. Have you any project for restoring intermediate education in Kells?—No, I think not. It depends partly on the trustees. If they give us an additional Brother or two, the matter could be arranged.

9421. Rev. Dr. MOLLOY.—I suppose we may like it that your idea of technical education here is, that

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considering the wants and capabilities of the neighborhood, you would provide from time to time through the agency of Arizona such teachers as might be found to be most useful?—Yes.

9421. To essential industries in this locality?—Mr. Hoop of Arizona visited Kells, and I should think he would give us much assistance in disposing of agriculture, and the products of the handicrafts.

9422. Lord Justice FRYGROUSE.—Though this is not an industrial locality you have boys capable of learning trades?—Quite capable and desirous.

9423. They told us at Okefenokee that they had not any?—We have plenty here. Many applications have been made to me from boys fourteen and fifteen years old to get them taught trades as soon as we get the place open at Shreve's. The difficulty is want of means. We have but \$25 yearly, and \$100 yearly will be requisite to start with.

9424. If your schools were in connexion with the National Board have you any idea how much the grant would amount to in a year?—I can't say as I have not considered it.

9425. In round numbers it comes to from 12s. 6d. to 15s. a head. If you had that amount per annum over and above what you have at present, would you be able to supply intermediate education?—Very probably—two additional Brothers would be wanted. The maintenance of each of the Brothers is £30 a year, to do simple justice it would require £40 for each per annum.

9426. Dr. TRAILL.—The BIRTHS are getting £570 for 40 children?—I hear they have some of money from other sources as well.

9427. Lord Justice FRYGROUSE.—Have you classes in connexion with South Kensington?—Yes, we had 125 pupils in this year, with £3 4s. as results fees.

9428. How is it that the results fees were not more?—The rules of South Kensington have been altered. Last year each boy's work was judged on its own particular merit, so that some boys were awarded "excellent," some "good," and some "fair." This season the judgment was given on the standard and efficiency of the school as a whole class.

9429. What subjects have you got?—The first five standards in freehand, model drawing, &c.

9430. All drawing subjects?—Yes.

9431. You did not go in for Magnetism or Electricity?—No; not for Science.

9432. Had you no Science classes?—No; the Brother had a certificate for Art only.

9433. They have very large results fees in Science elsewhere—what prevents you from obtaining them?—We don't prepare classes in science at present.

9434. Dr. TRAILL.—You would have to get one more Brother to enable you to do the work?—We have not a sufficient staff for additional work. When we have the technical education in hand and the two day schools in operation there will be only three Brothers as far as I can say.

9435. Technical education would be of more use to the boys?—Yes; I should say so.

9436. Lord Justice FRYGROUSE.—Provision for two additional Brothers would give you the means of establishing an intermediate school?—Yes.

9437. And if you had three you could add on a science class besides?—Very readily.

9438. The cost of that would be about £60 for each Brother?—Yes, something about that.

9439. Something like £150 a year?—Just so.

9440. Is there any considerable number of boys in Kells of the position of shopkeepers or well-to-do farmers' sons who could pay for higher teaching?—I think not—sturdily taken they are a struggling people. Three pence or 4d. per week is about the outside they have shown a willingness to pay.

9441. The main difficulty about your taking State aid is the keeping up of your emblems and using your own books?—Yes, those seem to be the chief obstacles according as I consider. As respects the emblems the Brothers are unwilling to part with them, some similar observation applies to our books. These emblems may be regarded under two aspects—first, according as they are useful in a school, and secondly, according as they are ornamental only; these latter have not appeared to me of much practical gain in a school, but in respect of such pictures or emblems as are useful I should go in zealously enough for them, thus illustrations of the Old and New Testament.

9442. Rev. Dr. MOLLOY.—You can have these under the National Board if they are hung up as works of art?—Yes.

9443. Dr. TRAILL.—Would you be ready to take the State money and cover up the emblems?—No. I would not cover up the statue of the Blessed Virgin, nor any emblem which could prove useful to the boys.

9444. Lord Justice FRYGROUSE.—The books extend over a curriculum including history?—Yes, the books include much ancient and modern history. Speaking generally in respect of them I offer similar opinions as those on emblems, namely that such lessons as are useful and practical I should retain them; thus are the lessons on the "Establishment of the Church," the "Character of St. Lawrence O'Toole," the "Monks of St. Bernard," the "Israelites under the Judges," but in respect of such religious lessons as seem to me valueless for boys I should readily agree to substitute lessons for them; examples of these are "Spiritual Blindness," "The Antiquity of Fasting," &c., &c.

9445. Dr. TRAILL.—You think you could meet the National Board half way?—Personally I certainly would meet them half way.

9446. Rev. Dr. MOLLOY.—If you got a grant from the National Board it would leave your endowment more available for technical training?—Yes.

## PUBLIC SITTING—FRIDAY, JUNE 22, 1883.

June 22 1883.

At the Courthouse, Navan.

Present:—The Right Hon. Lord Justice FITZGERSON, and the Right Hon. Lord Justice NAIR, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., D.S.O., ANTHONY TRAFF, Esq., LL.D., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, JUNR., was in attendance.

## NAVAN ENDOWED SCHOOL.

The Rev. JAMES B. KANE, M.A., sworn and examined.

The Rev.  
James B.  
Kane.

9448. Lord Justice FITZGERSON.—You are the Protestant Incumbent of Navan?—Yes.

9449. And also head-master of the Navan Endowed School?—Yes.

9450. How long have you held these positions?—Eight years.

9451. Were you appointed to both together?—No; I was incumbent first, and then a vacancy occurred and I was appointed to the college.

9452. Who was your predecessor at the college?—The Rev. Dr. White. He is the head of Wilson's Hospital now.

9453. The Navan endowment was founded by Alderman Preston?—Yes.

9454. Have you anything to do with the management of the property?—Nothing whatever.

9455. That is entirely in the hands of the Commissioners of Education?—Yes.

9456. What land and buildings are connected with the school?—A schoolroom and two residences, one for the head-master and the other for the assistant.

9457. A house at each end, the schoolroom between them, and communication from house to house through the schoolroom?—Yes.

9458. You occupy the head-master's residence?—Yes.

9459. I believe since you were appointed you have occupied it as rector as well as schoolmaster?—Yes.

9460. Is there any residence for the rector of the parish?—None.

9461. How is the other house used?—It is not used at present. My present assistant has a residence in the town; I occupy part of it as a sitting-room and bedroom, and the other part is used for storage.

9462. Your appointment is dated April 25, 1880?—Yes.

9463. And is made by John Joseph Preston, of Bellinaker, in the county of Meath, the Earl of Castle-stewart, and Joseph Faviere Ellington?—Yes, they are the heirs of Alderman Preston's trustees. Dr. Ellington was the heir of David Cairnes, the surviving trustee. It was put under the Commissioners in 1816.

9464. The persons entitled to claim the right of appointing are John Joseph Preston, as heir-at-law of the Rev. Joseph Preston; and the Earl of Castle-stewart, and Dr. Ellington as the co-heirs of David Cairnes?—Yes.

9465. Lord Justice FITZGERSON (reads from Instrument of Appointment).—By the original deeds, dated July 5 and 6, 1836, Alderman John Preston granted the lands of Cappaloughlin, in the Queen's County to David Cairnes, John Osborne, Nehemiah Donnellan and Walter Harris, and their heirs for ever in trust, to pay £25 yearly to an able schoolmaster of the Protestant religion, to be resident in the town of Navan, in the county of Meath, for his better support and maintenance and to pay £25 a year to a schoolmaster in the town of Ballyvaughan, in the Queen's County, and to pay the residue of rents

and profits to King's Hospital, Ormeau; and it is stated that Samuel Preston, the eldest son of Alderman John Preston, and the heirs male of the body of the said Alderman John Preston as long as such heirs male should continue, and the said John Osborne, Nehemiah Donnellan, David Cairnes, and Walter Harris, and the survivor and survivors of them, his, her, and their assigns, or the major number of them were for ever thereafter empowered to place in, and also upon every just reason to turn out the schoolmasters. Then there is a decree mentioned of the Court of Chancery of July 28, 1827, made in a cause depending for some ninety years, by which it was adjudged that the nomination of the schoolmasters was vested in the heir male of Alderman John Preston, and in the heir-at-law of David Cairnes.

9466.—Mr. Preston is considered to be entitled to have two votes, but I don't know on what authority. I heard that if an appointment were to be made it should have two votes.

9467. What emoluments have you?—£100 Irish—£82 6s. 3d., and a free residence.

9468. In those any land connected with the house?—No, except a very small patch in front. There is a small field outside for which I pay rent.

9469. What rent?—£1 a year. It is only about a road.

9470. Is it held under a lease?—I think so. It was withdrawn at one time.

9471. Are you tenant to the Commissioners?—I pay the rent to the Earl of Essex.

9472. It is no part of the Preston estate?—No.

9473. Nor of the endowment?—I think not. Lord Essex granted it for the purpose of a playground.

9474. Do the Commissioners do anything towards keeping the building in repair?—Yes. Their architect comes once a year and inspects the premises. He inspected them about a month or two ago, and there has been an estimate made for some painting, but nothing large this year. Last year they did more for me.

9475. How are these repairs executed?—By local tradespeople. Mr. Mitchell meets the local tradesmen. There was some larger work done before I came in drainage—but that was done by some one from Dublin.

9476. Have you any voice in the direction of these repairs?—Yes. Mr. Mitchell asks me what I want. What is actually done rests entirely in the power of the Commissioners.

9477. You have nothing to do with paying?—Nothing.

9478. Rev. Dr. MOLLOY.—Besides your salary of £100 Irish, do the Commissioners spend any more money on the school?—Only for the assistant. The assistant has £80 Irish—£62, deducting income tax. They also give prizes.

9479. How much do they give in prizes?—It is changeable—about £15 a year. At Midsummer and Christmas they give about £7 or £8.

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Keane.

9479. How much would be the average expenditure on repairs?—About £25 annually. It was £26 the year before last. Last year it was more, because they put a new range in the kitchen, and gave some new seats and forms.

9480. Lord Justice Fitzgerald.—Is the assistant appointed by you?—His appointment is properly in the power of the trustees, but they virtually leave the appointment to me. It is sanctioned by the Commissioners.

9481. Do you know who the present trustees are?—Mr. John Joseph Preston. Even at Bellintra; I suppose Lord Castletewart is living. Mr. Kington is not. I suppose his son, the Rev. Charles Kington, must be the trustee now. Mr. Preston has two votes, and virtually has the power of making appointments. The others have never raised any objections.

9482. Lord Justice Naim.—He seems to represent the gentleman that gave the endowment?—Yes; Mr. Preston's property is at Cappaloughlin, in the Queen's county, near Monasterevin.

9483. Rev. Dr. Molloy.—When the testator bequeathed this property in 1686 he estimated the income of it at £50 a year, which he distributed thus: £35 to Navan, £25 to Ballyroan, and £30 to the King's Hospital in Dublin. The last Commission estimated the income at £700 and £800 a year: 1—  
Yes.

9484. Lord Justice Naim.—How much is the total derived by the Navan school?—£100 Irish, and £15 in prizes, and what they spend in repairs—about £25 a year.

9485. Rev. Dr. Molloy.—I make it up to be a half over £200 a year—they have spent no more than that of late years?—No.

9486. If the income to the credit of Navan exceeds that amount, what is done with the balance?—I believe it is invested and forms an endowment.

9487. At the time of the last Commission the net annual amount available for the Navan school was £281 a year?—I have their report and it states how it was distributed.

9488. Lord Justice Fitzgerald.—Do they send you a copy of their report?—Yes. I have bought the last one. [Hands document.]

9489. This report is dated the 11th July, 1887?—The rentals of Navan and Ballyroan are named together.

9490. They must have spent money since the former Commission, for it was reported then that the Commissioners held to the credit of both schools £5,402 6s. 6d. in Government stock; and in cash £725 10s. 6d. to the credit of Navan; and £1,658 10s. 6d. to the credit of Ballyroan. That is now represented by £357 to the credit of Navan, £287 to that of Ballyroan.

Witness.—I heard that there was some loss in the management of the estate some years ago.

9491. They speak in their last report of providing new school furniture at the Navan school; what did they provide?—They provided eight new desks and benches; the old ones were very much worn.

9492. How much was the value of these do you know?—£16. Last year the expenditure was certainly over the average, as it included the new school furniture and kitchen range as well as the ordinary painting and repairs.

9493. How many pupils at present have you?—Twenty.

9494. Are these all day boys?—Yes.

9495. Have you ever had any boarders since you came?—Never.

9496. Have you looked for any?—No, I have not. In fact I have refused them; I do not think it worth my while, it would involve so much labour. I could not have enough to make it remunerative. I would require a larger staff, and the premises are not altogether suitable for them.

9497. Could not that unoccupied house be used for boarders?—Yes, but it belongs properly to the second master. The original school was over the gateway at the entrance, and certainly there was no thought of boarders then.

9498. Was that pulled down?—It was pulled down in 1829. It was a detached house facing the street.

9499. Rev. Dr. Molloy.—Was the whole of the present building—the two residences and the school—built out of the fund?—It was.

9500. Lord Justice Fitzgerald.—What religious denomination do the twenty pupils belong to?—They are all members of the Church of Ireland.

9501. From what distances do they come to you?—Most of them come to me from long distances; and one of my difficulties is that the trains don't suit. One boy comes on a bicycle seven Irish miles every day. Another tried to come on a bicycle ten miles, but found the distance rather far. Another comes from Slane, six miles, another from Beehive, four miles, and another from Poyntown, four miles, others have come from Kells.

9502. How many boys are from Navan and its neighbourhood?—From the town and neighbourhood—I think eight out of the twenty.

9503. Are there not more than eight boys in Navan looking for intermediate education?—No, there are not. I was anxious to establish our primary school on a better foundation, because what most of our children require is a good primary education. I said that those who were of sufficient ability and the circumstances of whose parents were such as would enable them to follow up their education, I should be quite ready to promote as free pupils from the primary school.

9504. You allude to the Flower Hill school?—Yes.

9505. How many free pupils have you out of the twenty boys?—Six.

9506. What are the fees?—The fees sanctioned by the Commissioners are eight guineas, but I have told my brother clergymen round that where parents were not well able to pay I should accept reduced fees on their recommendation.

9507. How many of the twenty are paying full fees?—About six I think.

9508. And of the remainder six are free pupils?—Yes.

9509. Do you pay your assistant more than the £50 Irish a year?—I give him as present £60 English and any proceeds from the intermediates. I was at considerable loss on previous occasions in this way. One assistant that I had I promised £70 a year and his board, on condition of his taking a tuition in the afternoon. That fell through in consequence of the boy's illness and put me to considerable expense. I have to pay all the expenses of service for the house, which is a large one, and firing, and to provide the ordinary school requisites, so that I have never made much of it. At present it is in a somewhat more promising condition.

9510. What is the course of education?—Very miscellaneous indeed. The intermediates for some boys. Others are preparing for the College of Surgeons, the Bank of Ireland, and the University. I have one boy in for scholarship in Trinity College this week, and I have occasionally, during short times, to prepare pupils for college examinations of various kinds.

9511. You mentioned that you had a boy in for the Indian Civil Service?—He was taught by me up to last year. He is in for the Civil Service now, and has been with special grinders lately.

9512. I believe you are a Moderator of Trinity College yourself?—Yes—a double Gold Medalist.

9513. In what subjects?—Mathematics and Logic and Ethics; I have also obtained First Honours in Classics and a Scholarship in Hebrew and Syriac.

9514. I suppose you have no pupils in Hebrew here?—I have, preparing for the ministry. But my

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James B.  
Knox.

chief difficulty in instruction consists in the number of subjects I have to teach. Last time I only sent in three boys to the Intermediate Examinations, but I had simultaneously to prepare them for the senior, middle and junior grades. One boy got honours in nine subjects; and the preparing of that one senior grade boy was very severe work indeed. One of his subjects for example, was Natural Philosophy—Gassiot's Physics—which is an enormous course, even exclusive of the Greek, Latin, and French.

9515. Rev. Dr. MONTAGU.—They have not the whole of that in one year.—For the senior grade they virtually have, though they are not required to know it thoroughly.

9516. I believe the course for the senior grade includes the junior and middle grades?—It counts but 600 marks out of 7,000; and to go through a book like Gassiot is impossible. The real difficulty in a small school like this is that you cannot have a sufficient staff.

9517. Who erected the present buildings?—The Commissioners of Education commenced them in 1829, and finished them in 1831. It was out of the endowment—that had accumulated—that they were built. They cost £4,000.

9518. You said you did not think it was intended for a boarding school. Was the whole of that large structure intended for a day school only and masters' residences?—They are undoubtedly masters' residences, comprising each three rooms, one of which is a servant's room. I occupy one of the two rooms in my residence myself. There would be no room for boarders.

9519. It seems a less than, where so large an amount of the endowment has been expended in erecting such a fine building, it should be used exclusively for twenty day boys and a master's residence?—Yes.

9520. Could not the untenanted houses be used for a boarding school?—I think it could.

9521. You say that applications have been made to you to receive boarders?—Yes, occasionally there have.

9522. Lord Justice NAUGHTON.—Were boarders ever taken in the school?—There were. In Dr. White's time he had I think twelve at one time; certainly twelve was his maximum.

9523. Rev. Dr. MONTAGU.—At that time were the two residences occupied by masters?—His brother was the assistant master, and they resided together. One of the difficulties of the foundation, I think, is the arrangement for the assistant master; very few young men would care to come and occupy the house. I have no right to the second house—if it is the assistant's by right—but very few young men would like to come for the salary that is offered.

9524. But the house would be available for boarders?—It would.

9525. Lord Justice FERGUSON.—Subject to your vested interest, would it not be an advantage that the use of these buildings for the purposes of the school should be in the hands of a governing body?—Yes, I think so.

9526. Can you suggest a governing body that would be likely to be efficient?—I thought it was absolutely vested in the Commissioners of Education.

9527. So it is; but in other cases they have let the places to local trustees—as in Monaghan for instance where there is a very vigorous school—and we have vested the property in the local body. If something of that sort was done here, where would you look for the governing body of this institution?—I don't know. I was proposing to ask your Commission to incorporate a body of Diocesan trustees. I don't know whether that would be the best, or whether they would be efficient.

9528. Do you think that as a "Diocesan School for Meath" this school would be likely to attract as boarders the sons of clergy and other gentlemen of the locality?—It might.

9529. Dr. TRAILL.—How many would the school-room hold if the house were full of boarders?—About thirty.

9530. There is no schoolroom, I believe, but the one we saw?—None. I have used the rooms in the house as class-rooms when they were not otherwise occupied.

9531. Lord Justice FERGUSON.—If the school became at all a substantial one, with a number of pupils up to thirty, would it not pay its own way?—It is very difficult to compete with other large schools. I have not the staff of masters to give efficient attention in all the subjects.

9532. Rev. Dr. MONTAGU.—What we have been told is that the pensions paid by boarders would enable the head master to provide an efficient staff of assistants; and in fact we have found several cases in different parts of Ireland where, with an endowment of £400 a year for the head master, large and efficient schools have been established?—Yes. I don't think the pensions here are such as would admit of a large school.

9533. Dr. TRAILL.—What is the greatest number of boarders that could be put into the second house if it was given up for that purpose instead of being an assistant master's residence—there appear to be ten dormitories?—You did not see all the rooms.

9534. You would not put more than four boys in the largest bedroom?—No.

9535. And two into each of the smaller ones?—Yes.

9536. Counting these, how many could you accommodate?—In the four houses there are three other rooms, two of which are excessively small. There is one good sized room.

9537. How many boys could you board in them, allowing one to the small room, two to the middle-sized rooms, and not more than four to the other small?—Only about eleven boys.

9538. Lord Justice FERGUSON.—But you have a large accumulated fund and you could build a dormitory?—There is not much scope for new buildings.

9539. Dr. TRAILL.—I suppose you would not like to risk any more money?—It is rather a risky thing to lay out money at the present time.

9540. Rev. Dr. MONTAGU.—It would be a risk to begin by building; but if you had already twelve boarders and twenty day pupils, and applications were coming in from more for whom you had no room, you could then build. We had £6,500 to the credit of this school, and £1,000 of that would be sufficient to lay out in building?—Yes.

9541. Lord Justice FERGUSON.—Do you think a Diocesan body would be the most suitable to utilize the place?—I don't know that there is any Diocesan body at present having sufficient experience.

9542. But I speak of creating a Diocesan body for the purpose?—I may say that we are generally in favour of it.

9543. We could not find that they take any interest in the upper part of Meath in intermediate education; but Kells is a good town, would there not be boys from that district?—There would; but the chief difficulty is that the house does not suit the town.

9544. Is there any provision for Protestant intermediate education in Kells?—There is not.

9545. Is there any in Meath except in Navan?—None whatever, Droghda is the nearest school.

9546. Rev. Dr. MONTAGU.—There is a school at Keshdown, is there not?—There is a private boarding school at Skryne. There was a Diocesan school at Trim, but it has been discontinued. There was one at Mullingar, but that is in Westmeath.

9547. Had not Mr. Brighton a school at Keshdown?—Yes, but that was a private school. It was in the rectory at Keshdown. Mr. Brighton had B and M on afterwards; but it was a private speculation.

9548. When a private speculation has been made successful exacting you make your school successful, with an endowment of £200 a year, and a capital fund of £5,000 to begin with?—Possibly.

9549. Lord Justice FERGUSON.—We find the

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larger the endowment the less is the power of competing with private schools.

9580. Lord Justice FRYGEMAN.—Do any boys go as boarders to Drogheda from the neighbourhood of Navan?—There is one, I think.

9581. Lord Justice FRYGEMAN.—Catholic School is a case like this, where we propose to incorporate a body composed partly of representatives of the original founder, and partly of persons elected by subscribers to the school, and the payment of the fees of boys; could not that be done here?—It might.

9582. Professor DOUGHERTY.—You would not object to sink into the governing body Protestants of other denominations?—Those mixed bodies are very hard to work.

9583. Lord Justice FRYGEMAN.—Is there any considerable number of Protestants, besides members of your church here?—No, I think there are only three Presbyterian children at Flowerhill.

9584. Professor DOUGHERTY.—Are there not a number of Scotch artisans here?—Yes. Some of them are Presbyterians and others are of other denominations.

9585. Lord Justice FRYGEMAN.—Is there any other Protestant congregation at Navan except yours?—There is a Presbyterian meeting held here once a fortnight.

9586. Is that by the minister who resides at Kells?—Yes.

9587. Is there any Methodist congregation?—No. There was one for a short time which met in this room, years ago, but it was given up. Some children who were registered Presbyterians were Methodists.

# FLOWER HILL NATIONAL SCHOOL.

The Rev. James B. Keene, M.A., examined.

9588. Lord Justice FRYGEMAN.—We will now turn to the Flowerhill School; you are the manager of that?—Yes.

9589. It is now under the National Board?—It is, and has been for three years.

9590. What state was it in when you came?—When we broke it up and made the change there was, I think, only about a dozen going to it.

9591. The former schoolhouse was built by the Lord Lieutenant's fund at an expense of £139 10s. 3d.; what has become of it?—The tradition was that it was part of an old store, and it was a very bad house. It was a two-storey house, and the upper room was used as the school. It was a very low room. The lower part was once used for the school also. It was under the Kildare-place Society.

9592. What became of that old building?—We pulled it down.

9593. Had it become dilapidated?—Yes. Some of the materials were used in the new structure, but not much.

9594. Do you happen to have the foundation instrument?—I believe it was a Mexican foundation?—I have a copy of it. [Hands book.]

9595. Lord Justice FRYGEMAN [reads]. First there is the will of R. R. Fitzherbert, dated 6th December, 1830:

"I charge my estate for ever with an annual sum of thirty pounds for the support of the Flower Hill Male and Female Schools, founded by me at Navan, fifteen pounds for an annual salary for the master, and ten pounds for the mistress, and five pounds for keeping the schoolhouse and parts in repair, the appointment of the master and mistress to be in the inheritance for the time being of my estate, as stipulated for in my conveyance of the schoolhouse to the parish of Navan, with the concurrence, however, of the Bishop of Meath, of the Established Church, being Protestant, the said sum of thirty pounds to be vested in the said Bishop; and I hereby give him the power of distributing for the same if six months in arrears, and of apply-

9596. Professor DOUGHERTY.—Have those Scotchmen any children?—There are a few. But of those Scotch name are Presbyterians; in fact those that come to the meeting here are Nonconformists of various kinds.

9597. Lord Justice FRYGEMAN.—What denominations do they belong to?—Well, the Evangelical Union is one, the Baptist is another. They are very miscellaneous, though few in number.

9598. Where have they occupation?—At the woollen mill.

9599. Professor DOUGHERTY.—Do you regard it as a condition of your appointment that you should maintain a number of free pupils in the school?—No—there is no condition in the deed, and I never got any instruction of the kind. I was always quite willing to afford that advantage, and that is why I was anxious to have a good primary school.

9600. Rev. Dr. MASON.—At all events your school is much more successful than on the occasion of previous inquiries. In 1837 there were only five pupils on the roll with an average attendance of three. In 1880 there were ten on the roll, and now you have twenty.

9601. Dr. TRAILL.—I suppose if your primary school be successful it may possibly supply you with pupils for this one?—Yes, it might.

9602. Have you found any increase in your Intermediate school since the other was established?—I have only had one boy that I promoted.

9603. I saw a monitor learning algebra; would he be likely to come here?—If it were an advantage to him I should be inclined to take him. It would depend on how long he could stay.

ing it when received to the purpose herein sanctioned; provided, however, that the annuity or rentcharge shall cease as soon as the said schools shall cease to be conducted on the principles now established by the Kildare-place Society for promoting the Education of the Poor of Ireland, that is to say principally that the Scriptures, without note or comment, shall be read regularly once a day for at least six days in the week by the children who are sufficiently advanced in age and learning to understand them; the salaries of the master and mistress not to be paid until the Protestant Bishop of the diocese certify his approbation of their conduct;—no Papist Bishop, Priest, or Friar, to have any interference with the school in any way on pain of the excommunication."

That's the will. Are you getting the money still?—Mr. Fitzherbert gives £35 a year as a substitute for the endowment.

9604. Why do you say as a "substitute for the endowment"?—One of the conditions of the endowment was that the school should be under the Kildare-place Society, but it is not now.

9605. No; that it should be carried out on the principles of the Kildare-place Society. Is there anything to prevent your children from reading the Scriptures without note or comment once a day on each of the six days of the week?—No.

9606. Do they do it?—They do, certainly. He also permitted to give £100 towards building the new school.

9607. Has he done that?—He has paid a portion of it.

9608. Lord Justice FRYGEMAN.—The conveyance is of the 8th October, 1831. [Read from Minute Book copy of extract from Memorial of Conveyance, as follows:—]

"By Indenture, dated 8th October, 1831, between Samuel Fitzherbert, John Ruxton, and Richard Ruxton, of Knockcastle, in the County of Meath, esquires, of the first part; the Most Rev. the Lord Bishop of Meath of the second part; the Rev. Philip Barry, minister, and William Johnston and Samuel Barry, churchwardens, of the parish of Navan, of the third part, witnessed that the said Samuel

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Fitzherbert, John Ruxton, and Richard Ruxton for the purpose of establishing a school in said parish, with the consent and approval of Lord Bishop of Meath and in consideration of 10s. paid by the said school and churchwardens, and in pursuance of an Act of Parliament passed in the 50th year of His late Majesty's reign did grant unto said minister and churchwardens all that piece of ground part of the lands of Blackcastle with the house erected thereon in the street of Poolbeg, in the parish of Navan to hold the same to the minister and churchwardens and their successors for ever in trust for the use of a resident schoolmaster to be appointed by said Richard Ruxton and his heirs and to and for no other use, intent or purpose whatsoever at the yearly rent of 1s. per year.

What became of that site?—It is on that site that the present building is.

9570. I see you passed the following resolution at the Vestry of 1883:—

"The Committee appointed at a meeting of the parishioners held in the College, Navan, on September 26th, 1883, having reported that they are in bad repair and that the site is unsuitable.—Resolved that an application be made to the trustees of the Russell estate for a free grant, and that steps be taken to dispose of the Flower Hill School-house."

It is an inconvenient situation. We got the ground from the Russell estate; but Mr. Fitzgibbon, of the National Board, thought it would not be a good place.

9580. Dr. TRAILL.—It is a healthier place where it is?—Yes.

9581. Lord Justice FREDERICKSON.—The upshot was that you kept the old site?—Yes.

9582. But you surrendered the old lease, and got this deed which you produce, of December 13, 1886, from Richard Ruxton, Fitzherbert, of Blackcastle, Navan, to yourself and Richard R. Fitzherbert, and Joseph H. Moore, churchwardens, which vests that the house (R. R. Fitzherbert), is entitled in possession to the lands demised, and in which the grant is of a plot of ground in front of Flower Hill, containing one rood and thirty perches, statute measure, to hold from May, 1886, for 99 years, as a site for the schoolhouse, and for the residence of the teacher or teachers for the time being employed in or about the school, paying a rent of one shilling a year; and it was agreed that the school should be under the management of a committee, consisting of the Bishop of the Church of Ireland, for the time being of the Diocese of Meath, the Rector of Navan for the time being, one other clergyman, to be nominated by them, two laymen, nominated by the Navan Select Vestry, of the Parish of Navan, and the representative of the lessee. Then you have a committee of six?—Yes; it is one of those foundations that I would be very glad we could have under an incorporated body; but what I am anxious to know is, whether, when they are already vested in that way, there would be any expense or difficulty in re-vesting, or whether the powers of your Commission would enable you to transfer the trust.

9583. As to the expense it varies from about £8 to 15s., and difficulty there is none, excepting that, where the property exclusively belongs to one religious denomination and is for the benefit of members of that denomination, we cannot deal with the property without the written consent of the governing body.

9584. Lord Justice NISBIT.—Would your trustees object to this school being vested in an incorporated body?—No; they would be quite ready to acquiesce in that.

9585. Lord Justice FREDERICKSON.—As I understand, you have got rid of the old endowment of the Flower Hill School?—We have abandoned it.

9586. And you have got a promise of £25 a year instead of the old annuity, and this new lease instead of the old one?—Yes. It is only a promise from Mr. Fitzherbert during his lifetime.

9587. But what has been done to show that there is no longer any title to the £30 a year?—There is

nothing except that lease, and the fact that the school is at present under the National Board.

9588. Rev. Dr. MULLON.—I suppose the rules of the National Board are not in accordance with the principles of the Kildare-place Society.

9589. Lord Justice FREDERICKSON.—The principle rule was that the Bible should be read without any comment. Are there any children attending the school except Protestants?—None whatever.

9590. And they all read the Scriptures daily. They do.

9591. Under the rules of the National Board?—Yes.

9592. And you have on the six days of the week religious instruction?—Yes.

9593. Who is the present representative of the lessee?—Mr. Richard R. Fitzherbert.

9594. You have a very handsome schoolhouse; how was it erected?—By subscription—about £250. A portion of it was transferred. We did not borrow any money from the National Board, it was all parochial money.

9595. Why didn't you?—We were inclined to have it our own property. We did make the application; but we commenced the work; and they would not listen to the application.

9596. Did you get a grant towards your teacher's residence?—We borrowed £180 at 2½ per cent. to improve it. There was a small house. All we pay is 2½ per cent.; the other 2½ per cent. is paid by the Board, so that the terms are very good.

9597. You borrowed £180 at 5 per cent., of which 2½ is paid by the Board?—Yes.

9598. And that expires in thirty-five years?—Yes.

9599. That is the whole property you have connected with that school?—Yes.

9600. Have you any invested fund?—No; subscriptions were promised when we were making the change. We did not know whether we would have enough children to entitle the master to a full salary from the Board; but the parishioners were very kind and promised £70 a year.

9601. How many children have you in attendance now?—Seventy-six on the roll at present; sixty-six were there the day before yesterday in actual attendance. It has exceeded beyond our expectations.

9602. What teaching staff have you?—We have a master, a mistress, and a monitor; and we are entitled now to a second monitor.

9603. You are not yet entitled to an assistant from the National Board?—No.

9604. How is your assistant supplied?—We have engaged Mr. Butler and his sister, and pay him £20 a year. The subscriptions promised were £72; we got him £30 and the rest is expended on the premises.

9605. Dr. TRAILL.—He is to provide an assistant out of that sum?—Yes. We should be in a better situation if we were to advertise again. Now that we have started we have a more secure position.

9606. He appears to be a good master?—No.

9607. Lord Justice FREDERICKSON.—He told us he was first of the second class?—Yes.

9608. Lord Justice NISBIT.—How much did the school cost altogether?—£550.

9609. Does that include the requisites and desks?—Yes, that includes the desks. I think it was cheap at that. In some places the clergyman holds the lease of the parochial schools themselves, and I am anxious for instruction as to how an incorporation of these can be effected.

9610. Lord Justice FREDERICKSON.—This report of the committee of the Diocesan Council of January 25, 1885, states that:—

"The Bishop having called the attention of the Council to the necessity for appointing a committee for inquiring into the circumstances of the schoolhouses and endowments of schools in the diocese, it was resolved that the following be appointed such a committee with power to add to their number."

And then it names the Archbishop and three other

degrees, there is a report from them giving a list of school houses.

[Lord Justice FRYGIMON, read a resolution of June 13, 1883, handed in by the witness.]

9611. You propose that one board should hold all the schools in the diocese that are mentioned in the schedule to your report?—Yes, exactly so. The question has been asked by the proprietors of the properties as to how the union of them is to be effected, and whether it would be attended with any expense; and we were thinking that possibly by your scheme a large number of them might be embraced.

9612. Lord Justice FRYGIMON.—That can be done if the owners of property give their consent, but we cannot take people's property from them without their consent—I thought there should be separate deeds.

9613. You will require no deed; what you want is being done in the case of the Robertson Schools for the diocese of Rangoon. There are no conveyances. The thing would be done by a scheme under our Act of Parliament which has the effect of a statute and saving order.

Witness.—The properties are very small in many instances, and if there were much expense it would deter the parties in those cases.

9614. Dr. TRAILL.—All the expenses of printing fall on the Commission.

Witness.—Another thing is that some of the schools are in Church land and are virtually vested in the Representative Body. Would you have power to change these trusts from the Representative Body?

9615. Dr. TRAILL.—I think the Representative Church Body would consent to transfers to diocesan trustees; but they would not consent to give these school-houses up to any bodies merely similar to those existing now.

Witness.—We would not have to get leases drawn up like this in order to effect the transfer?

9616. Lord Justice FRYGIMON.—No; a schedule is the scheme would contain the particulars of the property; the property would be vested in a body created by the scheme, and once that is done you would have no more deeds at all.

Witness.—In cases where there is an old trust can you alter the terms of it?

9617. Lord Justice FRYGIMON.—In every case where there is a denominational trust we can alter it in any way to which the administrators of the trust consent. In other cases we can alter the trustees whatever way is necessary to extend the usefulness of the endowment. I think these are the matters you wanted to know.

Witness.—Yes.

9618. Lord Justice FRYGIMON.—You must officially send a copy of the report and of the resolutions to our office, and say that you wish a scheme to be prepared; the next step will be for us to send notice to all the parties concerned in each of the schools, telling them that the application has been made, and asking whether they consent.

Witness.—In many cases the schools have been closed.

9619. Lord Justice FRYGIMON.—In these cases we could give your proposed body power to sell the property that can be no longer used for the benefit of the other schools. We will send you precedents, and if we frame a scheme for you you will have two months to propose any changes you like in it.

Witness.—I was inclined to wait for precedents from other dioceses where they have more legal knowledge than we have.

9620. Rev. Dr. MOLLAY.—You put down the Trim Model School. Do you claim that exclusively for your Church?—No. Of course some of these would not come into our scheme at all. Shall I give a written schedule? That is a report of all the schools.

9621. Dr. TRAILL.—Wherever you found Church children going you put down the schools?—Yes.

9622. Lord Justice NAUGHTON.—Is there a large attendance at the Model School of Trim?—Thirty.

9623. Lord Justice FRYGIMON.—[Reads from Report of Committee of Diocesan Council] "Trim Model School, 30 on roll. Diocesan School-house sold. Incorporated Society School (closed) Grant, Earl of Mornington, 17th August, 1745. Site held under lease for ever, fourteen acres." Who has that?—It is occupied by the doctor now, and adjoins the barracks.

9624. Rev. Dr. MOLLAY.—I suppose the practical state of affairs in Trim is that the establishment of the Model School has led to the closing of the other schools?—It has.

9625. Lord Justice FRYGIMON.—I see an entry here that one of the schools is the property of the landlord, and that the school-house has been lost?—A good many were lost through neglect in one way or another. I have put an analysis at the end.

9626. Lord Justice NAUGHTON.—Used any children to go from here to the Trim Model School?—Never.

9627. Isn't there a railway?—Yes, but the hours don't suit. That is the difficulty. There are some coming to the school at Flower Hill who arrive at 9 o'clock in the morning and cannot leave until 7 in the evening, which is an exceedingly inconvenient arrangement.

## ST. FINIAN'S SEMINARY.

The Rev. John Cassidy sworn and examined.

9628. Lord Justice FRYGIMON.—You are the principal of St. Finian's Seminary?—The president.

9629. How many have you engaged in the teaching staff?—Six and myself.

9630. Are they all clerical gentlemen?—All clerical men except a music master, who is a layman. He teaches the practice of music.

9631. What property have you belonging to St. Finian's?—All the property is comprised within the boundary wall. I don't know the exact acreage, but I would say about eight acres.

9632. I believe the Seminary was originally founded by Bishop Plunket, in 1862?—Yes.

9633. On the same site as is occupied now?—The grounds were not so large as they are now. In after years there were different takes made of other fields—of a playground.

9634. What quantity of land have you now?—About eight acres.

9635. What expense has been incurred in building on that?—I have no idea.

9636. Dr. TRAILL.—It is valued at £120 a year?—The rent of the building and land is £80 a year.

9637. Lord Justice NAUGHTON.—Paid to whom?—We have five or six landlords.

9638. Lord Justice FRYGIMON.—For what terms have you taken the holdings?—I don't know. There are several leases in existence.

9639. Who are the trustees?—I think the Bishop. I have nothing to do with that.

9640. Who manages it?—The Bishop holds the leases, and whenever one has to be renewed he gets it done.

9641. Who is the solicitor to the Bishop?—I don't know.

June 21, 1888.

The Rev.  
James R.  
Keene.

Rev. John  
Cassidy.

June 21, 1893,  
Rev. John  
Cassidy.

9542. How is your staff maintained?—They are boarded and supported in the seminary, and get £50 a year which is paid out of the students' fees.

9543. Have you a bursar?—I am bursar myself as well as president.

9544. Lord Justice NAHEE.—Have you any contributions from the diocese?—No—none; the seminary is self-supporting altogether.

9545. Do you know where the funds were provided for the building?—I think they were nearly altogether raised by collections in the diocese.

9546. Lord Justice FRIZGIBSON.—We found in other cases large contributions from outside the diocese—from America and England?—I don't think there was anything of that sort in this case. Some of the Catholic gentlemen about the country contributed largely.

9547. Do you know what contributions Dr. Phelan got together in the beginning?—The only tradition is that Mr. Corbally, the late Member of Parliament for Meath, gave £300; and I heard that another late member for Meath, Lord Fingall, also contributed, and also Mr. McEvoy.

9548. It is stated in the last report that the school had no endowment except the site and building; is that the case still?—Yes.

9549. As president you were appointed by the Bishop?—Yes.

9550. And the rest of the staff are also appointed by the Bishop?—They are appointed by the Bishop, but he always consults the president.

9551. Lord Justice NAHEE.—Was not the present Bishop himself principal of the seminary for a time?—No; he was a professor in St. Finian's for about six months.

9552. What is your present number of students?—We have at present actually in the house sixty-four boarders, five dropped off during the year.

9553. How many day pupils have you?—There are thirty or thirty-two. On an average the day pupils number about forty.

9554. Then you have about 100 attending?—Yes.

9555. I find that in 1889 the number on the roll was ninety-five, of whom forty-five were boarders; so that you seem to have now a greater number of boarders, but not so many day boys?—I think we had about the same number in the house.

9556. What are the fees?—£30 a year for the boarders, and £4 a year for the day pupils. That is exclusive of books and stationery.

9557. You have three boarders maintained by the trustees of the Kells Bennett Charity Fund—what is that fund?—It is a fund administered by the Parish Priest of Kells, who nominates the students; we have now only two boarders, for he told me that the fund was not able to support three continuously, and that he would have to let one place lie in abeyance for a year.

9558. Does he pay you £30 a year for each?—£38.

9559. What is the course of instruction?—The intermediate, senior, middle, and junior.

9560. How many pupils do you send up on an average to the examinations one year with another?—Between thirty and forty.

9561. How many did you send this year?—About forty.

9562. How were they divided in grades and how did they get on?—I don't know for this year, but I can read the result of the last few years. We make all our boys of the required age go in. For the last four years there were obtained by the pupils of St. Finian's twenty-three exhibitions, the money value of which was about £1,145.

9563. Professor DOUGHERTY.—Have you any analysis of the exhibitions showing in what grades they were obtained?—No; but I think there were about twenty junior exhibitions.

9564. Rev. Dr. MORRIS.—And the money value was how much?—£1,145. Then there were obtained

six medals for special excellence in certain subjects—two first places in the Ancient Classics, one of these being in the junior grade, and the other in the middle grade. Two first places in Greek were obtained in the same grade.

9565. Lord Justice FRIZGIBSON.—Were the Greek medals got by the same boys?—They were. Then there was a first place in Chondistry standard last year, in the senior grade, and another in the junior grade. Then we got in the year 1884 in the junior grade special prizes in English Composition, to the value of £3; and in 1885 in the junior grade a special prize of £3 for Latin Composition; and in 1886 in the middle grade a £3 special prize for English Composition.

9566. Rev. Dr. MORRIS.—During the period within which the aggregate value of the exhibitions gained in your college was £1,145, can you tell us the total amount of the result fees that were received?—The result fees on an average were a little over £104 a year.

9567. How many years would this £1,145 include?—Four years—the last four.

9568. Then your result fees were only £400 in against £1,145 for exhibitions?—Yes.

9569. With regard to the way of estimating the £1,145 there has been some confusion at former inquiries. If a pupil gains a junior grade exhibition that lasts three years?—Yes.

9570. If the exhibition be a £30 one, you put that down as £30?—Yes.

9571. If the same pupil in the next year gains a middle grade exhibition—how much is it?—£25.

9572. That would be £35 for two years—do you put that down at £30?—Yes.

9573. Then if he got £40 in the senior grade you would put that down too, making £100, but the pupil would get only £35?—That is so.

9574. Dr. TRAILL.—Have you an account of the actual money received on foot of the £1,145?—No.

9575. Rev. Dr. MORRIS.—Would the £1,145 represent £800 actually received by the pupils?—I think it would represent more.

9576. Then in point of fact your result fees are less than half what was received by the pupils?—Yes.

9577. Lord Justice FRIZGIBSON.—What do you do with the £100 a year—is it profit to you?—I divide it among the professors after having taken from that the little expenses incurred by the Secretary for the examinations.

9578. Lord Justice NAHEE.—Over and above the £50 a year that they get?—Yes.

9579. Lord Justice FRIZGIBSON.—We were told elsewhere that the result of sending boys up to the Intermediate Examinations is to involve more expensive books and staff—do you find that to be so?—Well, not in the staff. We had the same staff before the Intermediate Examinations came into operation. There is a little more expense in the matter of books. Each professor buys his own books.

9580. The professor buys his own books and gets a share of the result fees?—Yes.

9581. What means and appliances have you for teaching chemistry?—We have a little laboratory, but it is very defective.

9582. Are you in connexion with the Science and Art Department?—No.

9583. Have you thought of organising a class for it?—We were thinking of it.

9584. Rev. Dr. MORRIS.—Is it not in contemplation to provide better buildings and a better site for your College?—Yes, the Bishop has actually a site already purchased on the other side of the Bays at Ashmunry Castle.

9585. Has he the funds for building?—He has invested I think nearly £15,000.

9586. Lord Justice FRIZGIBSON.—Towards building a place instead of St. Finian's?—Yes.

9587. What will you do with the existing premises?—I think we shall sell it to the best advan-

top, or keep the ground as a little farm for the Seminary, for supplying them with vegetables.

9685. Is the new site in the neighbourhood?—It is just outside the town.

9686. Dr. TRAILL.—Are any buildings erected there yet?—No.

9690. What does the £15,000 represent?—Money collected—contributions. The reason he did not begin to build this year was that he thought he would get a building.

9691. Rev. Dr. MOLLOY.—At Ardaraun?—There is a large building there that with an expenditure of about £2,000 would make a good seminary.

9692. Dr. TRAILL.—Why did he not offer enough for it?—He thought he did.

9693. Lord Justice FERGUSON.—How far is Ardaraun from Navan?—About two miles. The only objection is that we would lose a good deal of our day scholars if we went there. We lay great stress on that, for some of our most distinguished boys were day pupils.

9694. Rev. Dr. MOLLOY.—I suppose the Bishop would not take it unless he got a bargain of it?—Well, I think he would like to get a bargain.

9695. The value of land is not increasing in the neighbourhood?—No.

9696. Lord Justice FERGUSON.—What class do your boys belong to?—We have the sons of some professional men—doctors—but very few. Mainly they are the sons of farmers and shopkeepers.

9697. What distances do the boarders come from?—They are nearly all confined to our own diocese. We have boys from Meath, Westmeath, King's County—those three counties are in the Catholic diocese of Meath. We have some boys from Cavan a few boys from Dublin, and one from Glasgow.

9698. Practically it is a diocesan school?—A diocesan school.

9699. About what proportion of your pupils are preparing for the Church?—About one-third.

9700. And the remaining two-thirds go to all kinds of professions?—Yes.

9701. Do you send any to the Royal University?—We sent one boy last year who passed the Matriculation Examination. But we don't go in for it. We confine ourselves to the Intermediate.

9702. We were told that boys come to similar schools who are too old for the Intermediate; do you suffer from that?—We suffered more from it in earlier years than we do now. The parents are beginning to send their children a little earlier.

9703. We were told in other places that when they could not pass their pupils in the Intermediate Examinations they sent them to the Royal University—does that happen to you?—My opinion of the Royal University is that it would be easier to pass the Matriculation Examination than to procure respectable places in the Intermediate.

9704. When they matriculate would it be easier to go to?—I think not for honors.

9705. You have not prepared boys for honors in the Royal University?—No.

9706. What is the nearest college that competes with your school?—I don't think there is anything nearer than Dublin.

9707. You said you had some boys from Cavan?—One or two.

9708. Lord Justice NAHE.—Does St. Maur's compete with you?—No. After the foundation of the Seminary in 1893 they used to have boys from the North, for there were no other Diocesan Catholic schools in the North; but there is a diocesan school now in every diocese.

9709. Rev. Dr. MOLLOY.—There is nothing within a radius of twenty-five miles competing with you?—No, I think not.

9710. Lord Justice FERGUSON.—Has there been any fluctuation in your numbers for the last ten years, and if so in what direction?—Yes, downwards.

The year before last the number of boarders was down to thirty-seven, but it did not long remain at that.

9711. Professor DODDMEY.—Have you any day boys coming from a distance?—I think not.

9712. No boys from Kells?—Yes, there are some. There is one that comes by train from Kilsnash.

9713. Lord Justice FERGUSON.—What provision have you for the Intermediate education of girls?—The Loretto Convent, Navan.

9714. I find from Ellis's Directory that it was founded from the Loretto Convent, Bathurst, in 1833; that the ladies are taught English, French, Drawing, Painting, and Vocal and Instrumental Music; and that it sent up 100 pupils to the Intermediate Examinations.

9715. Do you know how many ladies of the community there are teaching?—I think there are seven or eight.

9716. How many pupils have they?—About the same as we have. Of boarders about sixty.

9717. Do you know where these boarders come from?—From all parts of the country. They have boarders from Kerry, Belfast, and Dublin.

9718. Without invidious comparison, do you know any other convent school that has done so well in the Intermediate Examinations as Navan?—No, none nearly so well. I will just read you a list of honors.

9719. Rev. Dr. MOLLOY.—There is a young lady mentioned who is a Dublin girl?—Miss White, she got a scholarship in Modern Literature in the Royal University, and three exhibitions in the first Arts Examination.

9720. Was she prepared for the first Arts Examination in Navan?—She was. That prospectus came out two or three years ago. I will read you the following:—"Loretto Convent, Navan, won thirty-three exhibitions, of the money value of £1,055; ten medals, two of which were for first place in middle and senior grades respectively, two for second place in senior and middle grades, two for first place in Latin, two for first place in Modern Literature, one for first place in English, and one for first place in Italian; a £4 prize for first place in Senior Grade English Composition; a £4 prize for first place in Italian Composition; a £3 prize for first place in German Composition; a £10 special prize for special merit in Modern Languages; and fifty-seven book prizes. Besides these distinctions, the Convent secured first place in Latin in 1883. The result fees to teachers vary from £80 to less than £100 a year."

9721. Then the proposition that their result fees bore to the amount of their exhibitions is even less than yours?—Yes. [Reads.] "There has been a branch house established in Mullingar which gained three exhibitions, one medal, and one prize for Italian Composition, besides a number of book prizes."

9722. Lord Justice FERGUSON.—What special qualifications have enabled the nuns to do so wonderfully well; are there any specially instructed ladies amongst them?—I think not. They are hard-working nuns; and, as to the modern languages, some of them were in Germany, and they send some of the girls that they are teaching over to convents there.

9723. Is their pension £35 a year for all?—Yes, exclusive of extras.

9724. Lord Justice NAHE.—And they send girls to Germany?—Yes, and to France, to learn the languages; and they take German and French girls over here.

9725. Rev. Dr. MOLLOY.—Have they any endowment?—Not the smallest.

Dr. TRAILL.—That is the name of their success.

9726. Lord Justice FERGUSON.—They have no prejudice against the Intermediate Examinations?—No, the contrary.

9727. Have you found the Intermediate Examinations, on the whole, a satisfactory test?—Most satisfactory, and they have been a great stimulus to the students. Of course we have had to complain, sometimes, now and then in different years, that some

24th Dec, 1887.

Rev. John Costello.

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Rev. John  
Conolly.

of the papers were not fair—that they were too difficult, and not graduated well.

9736. There has been a great prejudice in many of the Convent schools against the Intermediate system!—There is no prejudice here.

9737. What provision have you for primary schools?—About these I don't know very much. One of the priests of the town would be better able to give you information. There is a female school under the National Board, conducted by the Sisters of Mercy, in which I think they have about 300 students.

9738. Girls and infants?—Yes.

9739. We were at an infants' school, and saw about 100 infants there; the boys' school looked dilapidated,—do you know anything about it?—There are four or five National schools, but not boys' schools.

9740. I speak of a boys' school?—There is only one boys' school.

9741. The master seemed a very competent man?—He gets a special prize for the superior answering of his boys, and for the superior way in which he keeps his school nearly every year.

9742. Lord Justice FRYGEBORN.—St. Finian's Seminary and the Loretto Convent School are exempt—except by consent—from our jurisdiction. If their governing bodies think it desirable to act through our Commission we shall be glad to undertake their cases upon their communicating with our office. But you must consult the Bishop. You may explain to him that with his consent we can form corporate bodies to hold any property that these schools have, and to

take any property that should be left to them, or granted to them at subsequent times. And the same body can hold different lots of property on different trusts. Again you could take power to sell your existing property and to hold new property, or to hold both, and to spend or invest it in any way you like, and all this without executing any deed. Certain limitations are to be found in the Act of Parliament; there are only two which it is of consequence to mention. One prescribes an audit of accounts every year, either by public authority or by an auditor approved of by public authority. There must also be an inspection of each school during the endowment once a year, and a report that it is conducted in accordance with the scheme whatever that may be, but that does not interfere with the independence of the trustees. In the present case we have no endowments to distribute; but we have taken the evidence in order to ascertain the educational wants of the locality.

9743. Lord Justice NARIN.—Isn't there a college, Mullingar?—There is. It is conducted by the Christian Brothers.

9744. Lord Justice FRYGEBORN.—Hevy's Charitable Institution.

9745. Rev. Dr. MOLLOY.—It is an advanced primary school.

Witness.—It used to be provided over by a clergyman appointed by the Bishop, but he closed it up and gave it to the Christian Brothers.

The inquiry then closed.

July 28, 1888.

## PUBLIC SITTING.—SATURDAY, JULY 28, 1888.

At the Schoolhouse, Ballyroan.

Present:—The Right Hon. Lord Justice FRYGEBORN, and the Right Hon. Lord Justice NARIN, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., D.Sc., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, Junr., was in attendance.

### BALLYROAN ENDOWED SCHOOL.

Lord Justice FRYGEBORN made an introductory statement.

John B. Lyon, M.A., sworn and examined.

John B. Lyon,  
M.A.

9736. Lord Justice FRYGEBORN.—How long have you been Master of the Ballyroan Endowed School?—Since September 20, 1883.

9737. By whom were you appointed?—By Mr. Preston, the Earl of Castlestuart, and Dr. Elrington.

9738. Lord Justice NARIN.—Have you got the deed of appointment?—I have not; I sent it up to Dr. Kyle's office years ago, and I have not seen it since.

9739. Lord Justice FRYGEBORN.—Have you any copy of it?—No.

9740. Who had been your predecessor in the office?—My father.

9741. Had he died before you were appointed?—Yes.

9742. Had you been engaged in the school previously?—Yes; I assisted him, but I was not a master. I was appointed master when he died.

9743. Was there anything in your deed of appointment as to how long you should hold your office?—No, nothing of the sort. I only knew that I went down to Mr. Preston and he appointed me.

9744. He gave you a written appointment?—He gave me a written appointment which he signed in my presence, and which I brought to him from my solicitor's office; they then gave it up to Dr. Kyle.

9745. Do you know whether you are removable?—I believe, from what my counsel told me, I am not.

9746. What are your emoluments?—The salary is £22 6s. 6d. a year. £100 Irish.

9747. Was there any salary provided for an assistant?—There was, about £50 a year.

9748. Who appointed the assistant?—Well, the assistant was appointed when I was a child. I suppose he was appointed by the Preston family, but I don't know how or when.

9749. You had not the appointment?—I thought I had nothing to do with him, but lately I heard that I had the power of dismissing the assistant and appointing another in his place.

9750. Rev. Dr. MOLLOY.—Is he here still?—No, he is dead.

9751. Lord Justice FRYGEBORN.—When did he die?—About two years ago.

9752. Is there no assistant now?—No.

9753. Do you know what is done with the money provided for the assistant master?—No.

9754. Besides the £100 a year, Irish, what other emoluments have you?—I have a house and garden rent free; I did pay a rather high rent for the land adjacent, but after I was appointed about three years

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John R. Lynn,  
M.A.

the Commissioners were glad the school was going on so well and they gave me three acres free, with the house and garden, but I pay rent for the rest of the land £3 18s. 8d.

9772. What land?—About seven Irish acres altogether.

9773. All belonging to the endowment?—I hold seven acres, but there are fifteen acres belonging to the endowment that I don't hold. I have nothing to say to it.

9774. Does it adjoin the school?—Yes, it is just outside the ditch here.

9775. How much land is there here belonging to the endowment?—I think twenty-five acres, but I am not quite certain.

9776. Lord Justice NAIRN.—How much rent do you pay?—£5 6s. 9d. for the land I pay rent for.

9777. Lord Justice FRASER.—Did you get the house and garden free by your instrument of appointment?—I did.

9778. How do you hold the three acres that you got subsequently?—I don't know, except that the Commissioners wrote and told me that they were glad to hear that the school had increased so much, and that they would reduce my rent by giving me three acres of the ground rent free. I rented the entire six acres from them at first.

9779. How much were you to pay?—I paid originally three guineas an acre for all, and they then gave me the two acres in front of the house free, and charged me £1 an acre for the rest.

9780. So that the endowments now are £100 a year, Irish, a house and garden, and three acres of land free, and about four acres at about £1 an acre rent?—Yes.

9781. Do the Commissioners keep the place in repair?—The place when I was first appointed was in a state of dilapidation. The rain was coming down in different places, and I was obliged to spend half my income to keep the buildings in repair. After my father died I spent much more on the house and land than I could afford, believing that I was not removable. But after Dr. Mahaffy came down, the Commissioners sent an architect, Mr. Mitchell, and he did a great deal for the house and kept it in good repair till within the last two years. They have done nothing since.

9782. Do you know anything about the expenditure or repairs?—I do not, except that when I acted up any report Mr. Mitchell came down. They did not do very much, but they repaired the roof, put up doors, and did a little each year.

9783. Are the repairs both inside and outside done by the Commissioners now?—Yes, except some trifling repairs that I did myself; I could not report everything. The architect comes round once a year and sees the place.

9784. Where do they get the work done?—For a time they left me to get it done, later they got a man named Shannon in Maryborough to do the work.

9785. Is your salary paid yearly or half yearly?—I receive it half yearly from the Commissioners.

9786. When you originally got the appointment how many pupils were there in the school?—None when I got it originally. Then they increased, but they have fallen away now again.

9787. What was the date of your father's appointment?—I heard him say he was forty years here.

9788. That would go back to 1835?—About that.

9789. How long do you remember the place?—As long as I can remember; about thirty-five years.

9790. During that time what was the largest number of pupils you ever remember here?—I don't remember more than fifteen or sixteen, but I heard that before that there were more.

9791. Do you mean before thirty-five years ago?—Yes.

9792. Now, begin with the "venerable traditions" as Mr. Mahaffy did—what is the largest number of pupils that you ever heard of being here?—Well, I heard about fifteen boarders and twenty day boys.

9793. I suppose fifteen boarders is more than this

house would accommodate according to modern notions?—Indeed it is. I think eight boys would be nearer the mark—four in each of the two rooms.

9794. Coming to your own recollection, about what date do you remember the largest number of pupils?—About 1869 I remember the largest number.

9795. What was the number then?—I cannot tell exactly. I should say about fifteen day boys. There were no boarders.

9796. Lord Justice NAIRN.—Don't you remember any time that there were boarders in the house?—I remember two in my father's time.

9797. How was it that the pupils fell from fifteen in 1869 to none in 1865?—I could not tell you.

9798. Was the assistant master then?—A man named Stokes.

9799. The same old gentleman that you spoke of already?—Yes.

9800. Was your father engaged in teaching?—Yes.

9801. What age was he when he died?—He was sixty-one years of age when he died.

9802. You had been assisting him also?—Yes, he was Rector of Ballyfin, and had also a good deal to do in Mountcash; I was in college at the time, and when I was not there I assisted him here.

9803. Was he not permanently resident here?—He was, but he was Rector of Ballyfin and Curate of Mountcash as well.

9804. How far is Ballyfin from here?—Eleven miles.

9805. And Mountcash?—Seven miles.

9806. Then he was curate of a parish five miles off, rector of another parish eleven miles off, and schoolmaster here?—Yes.

9807. What were the assistant's qualifications?—He had none whatever, excepting a letter of character.

9808. Lord Justice NAIRN.—What did your father teach?—Well, he taught English, and Latin and Greek.

9809. Lord Justice FRASER.—What are your own qualifications?—I am a Master of Arts of Trinity College, Dublin.

9810. Did you keep on the old assistant till he died?—Yes.

9811. You did not know whether you were bound to keep him on or not?—I did not until lately. When he became imbecile, I wrote to the Commissioners, and they said I was quite at liberty, that I had the appointment of an assistant myself and not they.

9812. What was the largest number of pupils you ever had?—I think about 1868 I had seven boarders and thirteen day boys.

9813. Where did the seven boarders come from?—From different quarters—one from Downpatrick, two from the King's county, and two from the Queen's county—I think.

9814. From what distances did the day boys come?—Some from near Timahoe, others from Maryborough and Abberley, and some from the district about here.

9815. How did those from a distance travel to the school?—Some on their drags, others rode horses, some of them walked.

9816. To what class of life did the boarders belong?—They were the sons of respectable gentlemen—a higher class than the day boys as a rule.

9817. And the day boys?—They were the sons of respectable farmers generally speaking.

9818. I suppose it is a farming locality?—Yes, purely an agricultural district.

9819. What fees did you charge the boarders?—£40 a year.

9820. And the day boys?—£3 a quarter. At least I was supposed to charge that, but I seldom got it. That was what the Commissioners told me to charge.

9821. Were you bound not to charge more?—They left it quite to myself, and I told this to Dr. Kyle. They just said that £3 a quarter would be enough to charge in this locality.

9822. That is less than the charge in any of their other schools that we know of?—Small as it was I did not get it from all—in fact I got nothing at all from a great many.

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M.A.

9808. What was the course of instruction in—Classics, Mathematics, and English.

9809. What were these boys preparing for?—Some for the Civil Service, three or four entered Trinity College, some passed for the College of Surgeons, some for the solicitor's profession, and some for the Veterinary College; some I prepared for the army and navy also.

9810. Rev. Dr. MOLLOY.—Can you say where are boys of the class that formerly came here getting their education now?—I don't know, but I suppose at the National school or at the Church Education school.

9811. Where are these schools?—In the village here.

9812. Then it would seem that the kind of education formerly given here is no longer required in the neighbourhood?—Well, either that or the farmers are not able to send their sons here at present.

9813. Lord Justice FRINGHAM.—What do you mean by not able to send their sons at present?—That they are not in a position to pay the fees owing to the depressed times.

9814. But have you not told us that the outside fee was £1 a quarter, that that was very seldom paid, and that frequently you got nothing at all?—Yes.

9815. You could not repay terms much lower than that?—I think farmers are not able to put their sons to professions now, and therefore don't send them here.

9816. Then your idea is that they don't now require as high a class of education as you used to give to boarders for £40 a year, and to day boys for £1 a quarter?—That is my opinion.

9817. What is the nearest intermediate school to Ballyroan?—Kilkenney College.

9818. There are few boys at school there?—Very few, none at all I think.

9819. Is there no other intermediate school in the Queen's county?—Not of this kind that I know of.

9820. Rev. Dr. MOLLOY.—Is there facility for private tuition?—I think not.

9821. The explanation that you have given for the falling off in the number of pupils does not apply to boarders?—No, but they fall off also.

9822. Lord Justice FRINGHAM.—What has been the number of your pupils since 1868?—I think on an average about ten day boys; I have not had a boarder for a length of time. I think about 1870 the last went.

9823. Why did they give up?—They went into professions.

9824. Then you never had but what I might call the one crop of boarders?—I had also after that the sons of a gentleman in the neighbourhood.

9825. None succeeded those that first came?—No.

9826. Lord Justice NAIRN.—Have you any pupils at all now?—No.

9827. How long is it since there have been any boys in attendance?—I think about a year.

9828. How many had you up to a year and a half ago?—Ten.

9829. Mr. Mahaffy found here one assistant teacher, no boarders, and eleven day boys?—Yes.

9830. Lord Justice FRINGHAM.—Did that number diminish gradually or drop off all at once?—It diminished gradually.

9831. Rev. Dr. MOLLOY.—Then the facts seem to be, that the boarders who used to come from a distance have ceased to come, and that the day boys who attended from the surrounding district dropped off because the class of education given was no longer wanted in the neighbourhood?—That is what I believe.

9832. Lord Justice NAIRN.—I presume there is no classical education given at either of the two schools you referred to?—None whatever.

9833. Lord Justice FRINGHAM.—In the report for 1886-87 the Commissioners say:—"One of the two

schools founded by Abnerman Preston, viz., Ballyroan, has practically ceased to exist, and that they originated from the head-master that there were no inhabitants in the neighbourhood to send their children to the school"—Is that your opinion?—It is, for the reason I have stated.

9834. "Mr. Mahaffy reported in 1880, that it was impossible that the position of the school should ever become suitable for the purpose. Under these circumstances they say they can do nothing but save as much as possible of the endowment for the purposes of some future scheme. They have proposed in the scheme submitted to us to vote into and refund the endowment of Ballyroan, Navan, Clonsilla, and Middleton schools for the future support of the three latter schools." Can you give us any opinion as to whether a partition of this endowment between Navan, Clonsilla, and Middleton would give any advantage to this neighbourhood?—I don't see that it would.

9835. What is the nearest locality to Ballyroan in your opinion, and from your experience, where any boys are to be found that want intermediate education—what is the nearest place where you could find materials for a school like this if we could transplant it?—I could not answer you. I heard that in Abbeyleix they tried on several occasions to establish an intermediate school and could not do it.

9836. Lord Justice NAIRN.—What is the distance from this to Abbeyleix?—Two miles and a half.

9837. Lord Justice FRINGHAM.—When were the attempts you refer to made?—About thirty years ago the late Lord De Vries tried to establish a school there, and although he gave a house for the purpose rent free—as I heard—the attempt failed.

9838. Rev. Dr. MOLLOY.—Is there any other class of education that could, in your opinion, be given here that would be useful?—I think not—the National school is sufficient for the Roman Catholics and the Church Education school for the Protestants.

9839. Then you think there is quite enough education to be had in Ballyroan without this school?—I think so.

9840. Would any kind of industrial education be of advantage to the neighbourhood of Ballyroan?—I cannot say; I don't know but that it might.

9841. Professor DOUGHERTY.—Are there any industries in the neighbourhood?—None that I know of.

9842. Rev. Dr. MOLLOY.—Is there any agriculture in the neighbourhood?—Yes, it is purely agricultural district.

9843. And would it be of advantage to teach the people agriculture?—It might, but I think the farmers about this neighbourhood have sufficient knowledge in that line already.

9844. You think they could not be improved?—They might object; however, you can ask themselves about that.

9845. Lord Justice NAIRN.—To what religion did your seven boarders and thirteen day boys belong?—The boarders were Protestants, and the day boys were Catholics and Protestants.

9846. Do you never remember any Catholic boarders here?—Never.

9847. Lord Justice FRINGHAM.—Mr. Mahaffy reported in 1880:—"If the school be maintained in its present place it is hard to see what can be done to enlarge it except to offer some money prize at a yearly examination; for the offer of free tuition will effect nothing. The master informed me that if he made this offer the farmers were offended and took it as a tender of charity. On the other hand, when he charges £3 or £5 a year they undertake to pay it, and do not keep their promise."—That is exactly the truth.

9848. "But a couple of £5 prizes would probably stimulate the boys now at the school, and bring some more from the mines. Of course the intermediate examination makes the offering of larger prizes quite un-

necessary." Did you ever send any boys up for the intermediate examinations?—Yes.

9649. What number?—I think three.

9650. How did they get on?—Some got on very well and some failed.

9651. Did you ever come into the prize list?—No; some got on very well in Trinity College.

9652. Professor DOUGHERTY.—How many boys did you pass at the intermediate examinations in your most successful year?—I only sent up two and they passed. Two went one year and one another year.

9653. Three altogether?—Yes.

9654. What were the ages of your pupils?—They varied from twenty years down to six or seven.

9655. Could you give us any suggestion as to how, in your opinion, the endowment could be made useful?—I could not.

Lord De Fries.—I would like to ask if Mr. Lyon has said whether the ten boys who were here up to a year and a-half ago are any of them getting their education in the district now?—No, they have passed their examinations and gone into some profession or other.

They are out in life?—Yes.

I would like to ask whether there ever was any inspection of this school by the Commissioners, the patrons, or an inspector on their behalf?—Not in my time—except that Mr. Mahaffy came down once.

9656. Lord Justice NAUGHTON.—The Commissioners have never sent anyone down?—Never; they have had nothing to do with it, except that since Mr. Mahaffy was here they sent down an architect each year.

9657. Do you remember, at any time, the school being inspected?—I do not. There was a Commission of Inquiry held in Maryborough.

9658. Lord Justice FREDGIMAN.—That was another Parliamentary Commission?—Yes. It sat in Maryborough.

9659. Professor DOUGHERTY.—Have those gentlemen who appointed you ever visited the place or inquired into the progress of the school?—No.

9660. Rev. Dr. MEEHAN.—Who appointed you?—When my father died Mr. Preston wrote to me, and I went down to him and he appointed me. The Preston family have the right of appointment; at least I always so understood.

9661. Lord Justice FREDGIMAN.—And having made the appointment he did nothing else in connection with the school?—Never. He told me to go back and do what I liked with it; that is the truth.

9662. When you say that you went down to Mr. Preston do you mean that you went to his place in the county of Meath?—Yes, down to Ballinacree.

9663. Is there any property in this neighbourhood with which the Preston family are connected now?—No. They owned, at one time, the Dooney estate, and one time fifteen boys came to the school from that property; but it was sold to the late Mr. Wrafter, and it has been what might be called a desert for the last five or six years, taken care of by a herd.

Mr. WILLIAM DAVIDSON.—Was there any condition attached to the endowment of Alderman Preston regarding a number of boys being free?—No, certainly not.

I always heard that there was a condition of that kind?—You heard what was quite wrong. I know that there was a report to that effect about, but it is without the slightest foundation.

9664. Professor DOUGHERTY.—But you have had free pupils?—Yes, I took them free of my own free will.

9665. Because you could not get the parents to pay fees?—Yes, and rather than let the school go down altogether. But it is a mistake to imagine that there

was any condition attached to the endowment that free boys should be taken.

Mr. DAVIDSON.—It seems to me that there must have been something of the kind intended at some time or other, or the report would never have gone abroad as it did.

Witness.—Reports are often untrue.

9666. Lord Justice FREDGIMAN read the report of 1859, p. 107, concluding as follows:—"It was suggested in evidence that the endowment might be transferred to Maryborough, where there was, at one time, a Diocesan school, and where a great want is felt of the means of education for the middle classes. We are of opinion that the purposes of the founder would be best accomplished by uniting the two endowments and establishing one efficient school at Maryborough, which is the nearest large town to the Charity estate."—I believe the Charity estate is near Mountshill?—Yes.

9667. You see the proposal at that time was to unite the Navan endowment to Ballyroan, and carry both to Maryborough?—Yes.

9668. While Mr. Mahaffy proposed to move this endowment to Maryborough, and leave Navan as it was?—Yes.

9669. And the Commissioners of Education now propose to abolish Ballyroan, and divide the endowment between Navan, Clonsilla, and Middleton?—Yes.

9670. Captain J. L. BLAND, J.P.—Do you know the object of the endowment, Mr. Lyon?—Yes—to give a classical education to the sons of farmers in the district at the cheap rate of £1 a quarter.

9671. By tradition or otherwise, have you ever heard that the tenants of the Dooney estate were to get any prior benefit?—I did not, except that when I was down with Mr. Preston he asked me "Do you know any of my tenants?" and I said I did. He then asked "Are they going on well?" or something to that effect, and added "If any of my tenants' sons come to you take care of them."

9672. Would you say that the tenants on that estate or their representatives should get the first benefit from the endowment?—That was the idea that Mr. Preston conveyed to me, and my father always told me he was appointed in a similar manner.

9673. You never heard your father express any opinion to that effect—or state there was such an understanding?—No, except that he told me that Mr. Preston's father, who was alive in his time, used to ask him about his tenants. But he did not give me any instruction to take any one more than another. On one occasion Mr. Preston asked me "Do you know the Campbells?"—they were tenants of his—and on my replying that I did, he said if they have any boys take care of them.

9674. Would you say that if the endowment was removed to Maryborough, the tenants of this district of Ballyroan would derive any benefit from it?—I don't think they would, but there are members of the tenants here, and you can ask themselves.

9675. Would they send their children to Abbey-leix?—I think not.

9676. Though only two and a half miles distant?—Two or three of them told me that if it was moved to Abbey-leix or to Maryborough they would count it but to the Ballyroan people altogether.

9677. Lord Justice FREDGIMAN.—But where are those people sending their boys at present?—Some to the National school and others to the Church school.

9678. Rev. Dr. MEEHAN.—There is nothing in the terms of the foundation about any boys being taken free or at the cheap rate of £1 a quarter?—No.

9679. Lord Justice FREDGIMAN.—The object of the endowment, as stated in the Act, 53 George III., cap. 107, sec. 14, were, to pay a schoolmaster of the Protestant religion resident in the town of Navan, the yearly sum of £25, and to pay a like schoolmaster, resident in the town of Ballyroan, the yearly sum of

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M.A.

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John B. Lyne,  
M.A.

236.—I believe it is in the case, however, that it was founded for the purpose of providing a good English and classical education for the sons of farmers resident in the district.

2380. Rev. Dr. MOLLER.—Have you any reason for believing that the object was to provide a classical education?—Dr. Kyle, who was the secretary at the time I was appointed, told me that that was what I was to do.

2381. The usage has been to give a classical education, but experience has shown that classical education is not wanted in this locality?—Yes, but I did not confine myself to giving a classical education, although I understood that that was the object of the endowment.

2382. Professor DOUGHERTY.—And you think that the farmers of this locality have given up all idea of having a classical education for their sons?—Well, I don't think at present there are any boys in the district qualified. I walked with Mr. Mahaffy through the village and district and told him everything I could, the result being that in his opinion the school was in a wretched position, and that no man could establish a good school here.

2383. But a new generation has had time to grow up since his visit?—Well, I can only think of one farmer in the neighbourhood who has children that would be likely to receive a classical education. The man I refer to has six children, but they are all too young to go to an intermediate school.

Lord De Vesci.—Would you make it quite clear as to the total want of control or supervision by the Commissioners or patrons of the school?

Lord Justice FitzGibbon.—It is quite clear, Lord De Vesci, that there was none at all; and, as a matter of fact, we are aware that the Commissioners of Education never acted, with regard to these schools, except as a sort of managing agents.

Lord De Vesci.—In fact they controlled the estate only?

Lord Justice FitzGibbon.—And the school building. As a rule they only concerned themselves about the finances; the schools were left to take care of themselves.

2384. Lord Justice NAZIN.—They state that they had no power of inspection, or rather expending money for inspection.

The Witness.—When I was appointed Mr. Prouty told me, I knew, to go and do what I liked.

Mr. J. Kerr.—You said the school was intended to benefit the sons of farmers in this neighbourhood, but as a matter of fact, were the pupils received from all sorts of places?—Yes, they came from Tinsdale, Abbey-lis, and different places.

It intended to benefit the sons of farmers, were they to be Protestants necessarily?—No—it was always a mixed school; no distinction was ever made on the score of religion.

2385. Lord Justice FitzGibbon.—The master is to be a Protestant?—Yes, the head master must be a Protestant, and the assistant a Protestant also.

Mr. Kerr.—And the education was to be classical?—It has always been so, as far as I know.

Were the boys intended to be fitted for any particular callings in life?—No—for whatever position they were able to take.

2386. Lord Justice FitzGibbon.—But I understood you to say that you prepared boys for almost all callings?—Yes, and more than that; there was a policeman in the village who was educated here, and got first place at entrance into Trinity College, and got honours all through his course. He is now a Protestant clergyman, and chaplain to the Forces at the Curragh—a highly educated man—he was a common policeman, educated in this school by me.

#### Rev. James Lohr, B.P., examined.

Rev. James  
Lohr, B.P.

2387. Lord Justice FitzGibbon.—You are the Parish Priest of Ballyroan?—Yes, and Abbeylis.

2388. Is Ballyroan in the parish of Abbeylis?—Yes.

2389. In your opinion, are there any boys of a class of life to take advantage of an intermediate school in Ballyroan or its immediate neighbourhood?—I think if the school was transferred to Abbeylis there would be sufficient material for working an intermediate school there, especially as Lord De Vesci has been good enough to interest himself in the matter.

2390. Is there any intermediate school near this for Roman Catholic boys?—I think Mountmah is the nearest, it is a school under the care of the Patrician Brothers.

2391. Is it an intermediate school?—Not professionally, but they turn out boys for the intermediate examinations.

2392. What provisions have you for elementary education in Ballyroan?—A National school.

2393. How many children attend it?—The average is low just now. The schoolhouse was formerly very good, but I think the attendance will be increased, now that we have built a new schoolhouse to accommodate 100 children.

2394. Both boys and girls?—No, boys only.

2395. Is there a separate school for girls?—Yes—the convent school.

2396. For day pupils?—Yes, only day pupils.

2397. How many attend there?—From sixty to ninety.

2398. Rev. Dr. MOLLER.—You think that probably there would be 100 boys available for the boys' National school?—Yes, I think so—that number on the roll at all events.

2399. Lord Justice FitzGibbon.—All of the class that want a National school education?—Some of them might take advantage of a classical school also.

2400. About how many could you expect from this neighbourhood to take advantage of a higher grammar than that afforded in the National school?—The school here has fallen away, but between Abbeylis and Ballyroan I think there is plenty of material to work upon. I could not answer the question in figures, but between Abbeylis and Ballyroan there would be a good many boys going in for a classical education.

2401. Rev. Dr. MOLLER.—But is there nothing between a classical education and the elementary education of an ordinary National school?—There is nothing here between the two, at all events.

2402. Would it, in your opinion, be of advantage if you had something better than the ordinary education of the National school, but more suited to the boys who come here, than a classical education?—I think not.

2403. You want nothing between the two?—I don't not.

2404. Lord Justice FitzGibbon.—What class of teacher have you in the Ballyroan Boys' National school?—First division of second class.

2405. Lord Justice NAZIN.—What is the average attendance?—The average attendance is about 40.

2406. Lord Justice FitzGibbon.—But you hope ultimately to get it up to 100?—Yes.

2407. Rev. Dr. MOLLER.—Suppose this endowment were transferred to Abbeylis, would it be any advantage to the inhabitants of Ballyroan if a teacher in agriculture was sent out from time to time free

Abbeyfeix to instruct the boys of the National School here in practical farming?—I might be an advantage, but I think the farmers about here are well skilled, and I don't know that they would like to have an instructor sent amongst them.

9908. Would it be of advantage to send out from an establishment at Abbeyfeix a teacher, say, in country?—I think that would prove of use.

9909. Lord Justice NAIRN.—If the school were transferred to Abbeyfeix, would boys be able to go from this to it?—It is only 2½ or 3 miles.

9910. Rev. Dr. MONRO.—Would it be any advantage to the boys in Ballyroan to be taught a little geography—the use of tools?—I suppose so.

9911. Wouldn't they be able to make more use of it when they got home than of Homer or Demosthenes?—They would—some of them.

9912. Lord Justice FRINGHAM.—Do you know whether they get results free in the National school here for extra subjects?—Not that I know of.

9913. Rev. Dr. MONRO.—Is drawing taught in the National school?—No.

9914. If they had a teacher on stated days, to teach drawing, would it not be an advantage?—I believe it would.

9915. Lord Justice FRINGHAM.—But they have not even made a beginning in the drawing, cookery, or other subjects, for which they can get results free?—No, not yet.

9916. Rev. Dr. MONRO.—What do you think, taking everything into account, would be the best use to make of this endowment?—I would vote for the transfer of the endowment to Abbeyfeix to be used as here—for the purpose of giving a classical education at a cheap rate.

9917. If you established a classical school in Abbeyfeix the inhabitants of Ballyroan would get very little benefit from it?—I don't admit that, on the contrary, I say any respectable farmer could very easily send in his sons there; and at present they get no benefit at all from the endowment. I suppose there are no children in the place who wish a classical education.

9918. How far is Abbeyfeix from the estate of Doeray of which we have heard?—I think about the same distance.

9919. Lord Justice FRINGHAM.—Is the Protestant Rector of Ballyroan here?

Lord De Fries.—No, unfortunately the Rev. Mr. Disney is away at present.

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Rev. James  
Laird, V.R.

The Very Rev. Andrew Platon, V.R., P.P., examined.

9920. Lord Justice FRINGHAM.—You are the Parish Priest of Maryborough?—I am, and I was a pupil in this school myself 40 years ago, so that I can speak from experience.

9921. How many boys were there here at that time?—Forty-five years ago there must have been 18 or 20 boarders, and about 15 or 16 day boys. Mr. Lyon was quite a child at the time, and does not remember quite so far back. I was in school with him afterwards myself.

9922. What was the course of education?—Mr. Lyon was the head master, and Mr. Stoker the assistant, and they had an English master for arithmetic; they gave a very solid commercial and classical education. Mr. Lyon was a Trinity College man, and they taught Latin and Greek, English, geography, and arithmetic—general education for commercial and other pursuits.

9923. From what class did they draw the pupils?—The boarders were, as described by Mr. Lyon, the sons of gentlemen or respectable farmers from different parts of the country, and the day boys farmers' sons and shopkeepers' sons, and children from the humblest class as well.

9924. Did boys come from Abbeyfeix here at that time?—Yes, day boys.

9925. What proportion of religious denominations was there?—The boarders were all Protestants—the head master being a Protestant clergyman, and so to the day boys sometimes the number of Catholics predominated, and sometimes the Protestants. I entertained the greatest respect for the teachers who were here at that time—they never interfered in any way whatever with the religion of the pupils.

9926. Is there any provision in this neighbourhood for giving a better education to Roman Catholics than that afforded in the National school?—The nearest is Mountbellew—a boarding school and a day school—in the latter of which both Catholics and Protestants meet.

9927. Is there any school of the kind in Maryborough?—Not at present. Elementary classes are taught there, but there is not a classical school, properly so called, at present.

9928. What is your idea about utilizing this endowment?—If there was any chance of utilizing the endowment in Ballyroan I would not interfere with it, so that it is only in the event of your recommending a transfer of the endowment that I would venture to suggest Maryborough, and the reason I go in

for Maryborough, if there is to be a change, is this, it is the capital of the county, and a rising and flourishing town, one of the few places that is maintaining its own in the country. Moreover, there would be certain to be such an attendance of pupils there, as would ensure the endowment being utilized. I have two boys' schools, I may say three, in Maryborough—an infants' school in the convent under the nuns, where boys are taken up to 8 or 7 years of age, a Christian Brothers' school, and a National school for boys; and the teachers at the Christian Brothers' schools, and one of the teachers at the National school can teach elementary classics. The National school has not been very long established, but I did propose having elementary classics as an extra there. At present drawing, music, agriculture, and other extras are taught, and we are prepared to take up elementary classics as well, when the occasion arises. If this endowment could be transferred there it would allow of our forming an upper school, in connexion with that National school, at once.

9929. On that point a difficulty would arise on the will—the endowment is given to pay the salary of a Protestant schoolmaster?—The endowment evidently was intended to benefit Catholics as well as Protestants, and has been so used. It has been said that the primary intention was to benefit the Doeray family, and I don't remember ever, in my time, a Protestant coming from the estate of Doeray to this school; they were always Catholics. I think the intention of the Preston family was that all the children of the neighbourhood should benefit by the endowment independent of religion, and they would naturally have intended that Catholics should receive an equal benefit, for their tenants were all Catholics.

9930. Lord Justice NAIRN.—Have you ever seen the original instrument of foundation?—Never, but I heard the recital of the trusts read to-day from the Act of George, and, as I gathered, there was nothing there making it imperative that the Head Master should be a Protestant.

9931. Lord Justice FRINGHAM.—Here is the recital "to pay a schoolmaster of the Protestant religion resident in the town of Navan, the yearly sum of £40 and to pay a like schoolmaster resident in the town of Ballyroan, the yearly sum of £25"—It does not say a Protestant master for Ballyroan.

9932. Lord Justice NAIRN.—No, but "a like master"—The only way of ascertaining the master

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Definitely would be to get the will. I am sure the Preston family intended that the Catholics should have an equal benefit from the endowment. Of course in the old ascendancy time the usage, with all patrons, was to appoint a Protestant as head master; but if your Commission has the unlimited power mentioned here, you could depart from that usage now.

9953. Professor DOUGHERTY.—In the event of this endowment being transferred to Maryborough, would you favour the establishment of a mixed school which both Protestants and Catholics could attend?—As I told you I have two very fine schools in existence now, one conducted by the Christian Brothers and the other by a staff of qualified teachers under the National Board. As I mentioned one of the teachers in the National School is a very highly qualified man, and it would be a fine place to throw the endowment into. There is at present an average attendance of seventy from the most respectable children in the town, and there are 110 on the roll, and if you throw the endowment into that National School I could get, with the excellent teacher we have at present, a still more qualified teacher to undertake classes, and all parties could come to that school, protected in the exercise of their religion by the rules of the National Board. If, however, you established a new school there, and appointed a Protestant master over it, I would have a decided objection to allowing Catholic boys to attend simply because they could not be protected as in a National School.

9954. Have you any Protestant boys in attendance at your National School at present?—There are very few just now.

9955. Lord Justice FRASER.—Is there a National School under Protestant management there?—Yes, the Protestant clergymen will explain that to you. It is a mixed school for boys and girls and presided over by a mistress only, and would not carry out your intentions, whereas, my National School would fulfil all the requirements, I think, while under the rules of the National Board all the children would be protected from any interference with their religion, so that you could have both Protestants and Catholics there, if we had the endowment the sphere of our operations could be enlarged very considerably.

9956. What has become of the class of pupils that formerly came to this Ballyroan School?—Mr. Lyon could explain that better than I can, but from time to time the population fluctuates in place like this. At one time there are boys, and at another time not so many, besides you have now the Mountcash School where the pension is very small, and for a farmer to drive his children here and pay £1 a quarter is would be as well for him to send them to Mountcash where they would be educated and boarded for £35 a year. That of course is as regards Catholic boys, but it has had a good deal to do with the falling away of that class—in my opinion.

Lord De Vesel.—Is the education given by the Christian Brothers in Maryborough primary or intermediate?—Primary, but as I said they prepare and send boys up for the Intermediate examinations.

But all the schools in Maryborough are primary schools.—Yes, but allow me to repeat that the Christian Brothers prepare boys for the Intermediate examinations, and have had boys passed for the last few years. Boys are taught classes there and sent forward for the Intermediate examinations, so that in that sense it is an intermediate school. The National schools cannot send their pupils from the schools to the Intermediate examinations, which I think is a great loss and a decided mistake.

9957. Rev. Dr. McEneaney.—They may send the boys to the Intermediate examinations, but the Intermediate Examination Board will not pay results fee for the boys who pass.—Yes, and the same holds good with the South Kensington examinations. It takes time to prepare pupils for these examinations and they might not pass, whereas, the teachers are sure of the results fee in any case.

Lord De Vesel.—I understand that your suggestion is that this endowment, which is for an intermediate school, should be moved to Maryborough to assist the schools already existing there?—Yes.

9958. Professor DOUGHERTY.—Would you be opposed to the establishment of a separate intermediate school at Maryborough?—I would not like you to suppose that if a school was established in Maryborough under a Protestant teacher I could be expected to allow Catholic children to go there without any safeguard.

9959. Lord Justice FRASER.—But if the new school was placed under a Protestant teacher with the same safeguards as are now applied in National schools, would you then object?—I should know who would be the teacher, and what supervision there would be.

9960. Assume that he would be under the supervision of a mixed board of governors?—Assuming that he would be a Catholic and under Government supervision or laws, and that I would have some power of visiting, I would have no absolute objection.

9961. The school at Mountcash which you spoke of is under the Patriotic Brothers?—Yes.

9962. Do they educate boys for all professions?—They have first, under their care, a primary National school, then a boarding school where they prepare boys for all walks of life. Then they have a day school, which is properly called an intermediate school, where Protestants and Catholics meet under the monks, receiving a general English and classical education.

9963. The boys educated there go into all professions?—Yes, both out of the day school and the boarding school.

9964. It is not intended merely to bring up boys for the Catholic Church?—Not exclusively.

9965. But to some extent?—From the nature of things, being under the monks there, a number of boys go from that to the Catholic colleges; but there is no restraint put upon them—no interference of any kind.

9966. How far is the school at Mountcash from Maryborough?—I think the Mountcash school is about six Irish miles from Maryborough, and seven from here.

Captain J. L. Wood, J.P., examined.

Captain J. L.  
Wood, J.P.

9967. Lord Justice FRASER.—Can you inform us about the Protestant schools in this locality?—I will give you such information as I possess, but I must draw largely on memory.

9968. Can you tell us what the Ballyroan Protestant school is?—It is a parochial school, entirely supported by private subscriptions.

9969. It is not under the National Board?—No.

9970. About how many children are in attendance?—It is very variable according to the season, but I believe there are about from fifteen to twenty of all ages.

9961. Is the school under a schoolmistress?—No, a schoolmaster—and there is also a sewing class. The schoolmaster's sister-in-law teaches sewing.

9962. The ordinary instruction is given by the master to pupils of both sexes?—Yes.

9963. Is that the full number of Protestant children that want education in this neighbourhood at present?—There are a great many more Protestant children; it is a large parish.

9964. Where do they get their education?—Up to a certain age they get it at this school. They would go to the National School.

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9954. It is under Roman Catholic management?

—Yes.

9955. How does it happen that the Protestant school is not under the National Board?—Because the matter has been there for some time, and he cannot pass the examination. If we could get him under the National Board we would derive a great deal of benefit. But I don't think we have the full number of children either.

9956. As to this Ballyroan school, can you give me any information?—I am a tenant on the Dooney estate already referred to. There are seven tenants in it.

9957. We heard something about its being a debt—is that so?—That is a mistake. The estate was purchased from Mr. Preston in the Incorporated Estates Court by the late Mr. Wrafter, who raised the money, with the result that some of the tenants refused to pay, and were evicted. Three of the tenants remained on, the others were evicted. Then the Bank of Ireland, who had advanced a large amount of the purchase-money, foreclosed, and the property came into their hands. Later, Mr. Wrafter died, and shortly the Bank has come to an agreement with the tenants who were evicted, and has allowed them to sign with an alternate intention of their purchasing under Lord Ashburton's Act.

9958. And do you include them in the seven tenants you speak of?—Yes, four were evicted and are now back.

9959. Are the seven tenants all Protestants or Catholics or are they mixed?—There are two Protestants and five Catholics.

9960. About what size are the holdings?—Large holdings—the smallest is over 30 acres.

9961. They are all holdings large enough to have well-to-do farmers upon them who would want good education for their children?—Quite so.

9962. What distance is the Dooney estate from this?—It comes up quite close.

9963. Are there any others of the same class about this district who would want a good education for their sons?—I think so.

9964. How would you, being one of the tenants here yourself, propose to make this endowment useful?—It is a hard question to answer without doing harm to people.

9965. Rev. Dr. MOLLAY.—Do you think a classical education is wanted, or could the endowment be better applied in some other kind of education?—I would not say that a classical education is wanted, but a higher education. I was never a great believer in classics for the middle classes. As to the proposal to teach agriculture, I don't think that would do much good.

9966. You think there is no room for improvement in that direction?—I don't know that, but theoretical knowledge, as applied to agriculture, has seldom been of much advantage in this country.

9967. Professor DOUGHERTY.—Do you think that the children of the middle classes should not work with a view to advance themselves?—Certainly they should—but not at classics.

9968. If a farmer wanted to send his son to a profession surely classics would be necessary?—I would not deprive them of classics, I only mean that I do not lay the great stress upon a classical education that is carried so in England.

9969. Lord Justice NAULT.—You were saying, Captain Bland, that it was a difficult thing to lay down any plan for utilizing this endowment without doing harm. I suppose you meant to the present education—and you must remember that winter relief might be as much to be saved or compensated for—provided that were done, in what way do you think the endowment, worth £230 a year, could be best turned to advantage?—In Ballyroan?

9970. In Ballyroan, to commence with?—I don't say much of anything being done here—it is as much out of the way. However, I know of a school just as much out of the way that has prospered marvellously

—a school in the Diocese of Elphin, under my brother-in-law, Dean Warburton. That was only a small school and a small endowment, but they give a classical education there now for a very small sum.

9971. Lord Justice FERGUSON.—It is both a boarding and a day school?—Yes—they have over forty boarders, and they are boarded and educated for £26 a year each.

9972. Lord Justice NAULT.—Supposing you were not able to get boarders in Ballyroan, do you think there would be a sufficient supply of day boys to make the endowment useful here?—I would be in favour of having it nearer a railway station.

9973. Lord Justice FERGUSON.—And what is your railway station?—Well, I go to either Maryborough or Abbeylisk.

9974. Then you see in a position to give us an unbiased opinion between Maryborough and Abbeylisk?—Well, I don't see if this endowment were moved to Maryborough how the Ballyroan district would benefit by it.

9975. Do you think it would benefit if the endowment were transferred to Abbeylisk?—I think so, and the proof of that is that farmers send their sons here from a longer distance than it is to Abbeylisk.

9976. Some Abbeylisk boys were here we have heard?—Yes, and they come from Timahoe, four miles from here.

Mr. LYON.—And from Maryborough too we have had them.

Rev. Mr. PHILAN.—They did come here from the vicinity of Maryborough. If a good school was established there it would benefit the Dooney tenants.

9977. Rev. Dr. MOLLAY.—What is the distance, Captain Bland, of the nearest point of the Dooney estate from Maryborough?—It is fully five miles.

9978. And what is the distance of the nearest point of the estate from Abbeylisk?—About two-and-a-half miles—about half way just.

Rev. Mr. PHILAN.—I would not say it is two-and-a-half Irish miles from the Dooney estate to Abbeylisk—it is only about two-and-a-half English miles I think.

Captain Bland.—It is exactly three English miles from the nearest point of the Dooney estate to Abbeylisk market square.

9979. Rev. Dr. MOLLAY.—And from Maryborough?—Leaving my gate to drive to Maryborough it takes me an hour and five minutes, and I count it between six-and-a-half and seven miles. The Dooney estate comes about a mile nearer Maryborough than my place; that would make it five-and-a-half or six miles from Maryborough.

Rev. Mr. PHILAN.—Just two fields from this will take us on the Dooney estate, and I have no doubt that the nearest point of it is five miles from Maryborough.

Captain Bland.—That is five Irish miles. I may say that members of my own family have been educated in this school, my brother was partly educated here and entered into the service, and my son received some education here and is at Sandhurst now.

9980. Lord Justice FERGUSON.—Under the present master?—Yes.

9981. Rev. Dr. MOLLAY.—These examples would indicate the advantage of having a classical school in this locality?—No, I think mathematics count more at Sandhurst; but if removed to Abbeylisk the endowment could still be availed of.

9982. Lord Justice FERGUSON.—At all events you would require Latin for these competitive examinations—something that boys could not well get in an ordinary National school?—Yes, but modern languages would in my opinion be better than high class classical education.

9983. I find in one of the reports that the endowment includes "48a. 1a. 34r. (on part of which the school stands) close to the village of Ballyroan"—do

July 28, 1881.  
 Captain J. L.  
 Ward, &c.

you know that part of the Charity estate?—I don't know.

Mr. Lymn.—Irish acres. There are fourteen Irish acres set to a man named Delaney, a man named Claxton has six acres more, and I have six acres. They may be speaking of English acres, and I am talking of Irish acres.

1893. Lord Justice NASS.—Captain Ward, what do you think, on the whole, would give the best prospect of utilising this endowment?—I think if it were moved to Abbeyfeix it would give most benefit to the district.

1894. Lord Justice FIFEGRAN.—By applying it to a school there in which a better education would be given than in a National school?—Yes.

1897. Could you give us any suggestion as to how it would be desirable to appoint the master for such a school?—That is a very difficult question. I understand that he must be a Protestant.

1898. So the founder has declared?—I should say it ought to be a mixed school under a Protestant master.

1899. Do you think you could here, as in the North of Ireland, create some board for the appointment of a master and management of the school, giving a voice to subscribers and parents of pupils?—I have not thought of that, but it might be done.

1900. Do you think it would be a good plan to leave the nomination in the hands of a gentleman who only sees the schoolmaster when he appoints him and tells him to go and do what he pleases?—Certainly not, and I think that a great deal of the failure of the school has arisen from that, and from the neglect of the Commissioners of Education in looking after it.

Mr. William Davidson examined.

Mr. William  
 Davidson.

1998. Lord Justice FIFEGRAN.—You are also one of the tenants on the Donny estate?—Yes.

1999. What number of boys are there on that property?—Not many at present, but before long perhaps there might be more.

2000. In the meantime could you tell us how many you have, to start with—or do you agree with the schoolmaster that there are none?—There are some, but not many certainly.

2001. What means of education have you there now—this school is empty?—There is the National school and the Church school.

2002. Are they good schools?—I believe they are very fair schools of their class.

2003. But they give nothing except an elementary education?—That is all.

2004. Do you know anything of the working of the Ballyroan Endowed school?—Yes, I had two sons educated here. The eldest boy went into the veterinary profession, and the youngest is now at home with me learning the farming business.

2005. What class of education did they get?—They got an English and classical education. The youngest boy was educated altogether here, but the other was at another school for a while.

2006. Have you any suggestions to offer as to making this endowment more useful to the neighbourhood?—I think it should be more sharply looked after, and if there was a good school here I am sure pupils would come from the neighbourhood to follow up the education they got in the Church and National schools.

2007. What do you call the neighbourhood?—All about here—the district about.

2008. Then do you think it is best situated where it is?—I think so. The tenants have been passing through bad times, but there is a little light ahead, and young men can do nothing nowadays without a classical education. It is necessary almost for any business.

2009. How do you account for the fact that there

1991. Rev. Dr. MALLON.—Do you think it would be desirable to have a local governing body to look after the endowment?—I think so.

1992. Would you have any objection to Catholics being on such a governing body?—I think not; I think the intention of the endowment was to benefit Catholics and Protestants alike. I don't believe, at the time the endowment was created, there were any Protestants on the estate.

1993. Professor DONNAN.—Would you be in favour of retaining the Protestant master, or would you prefer taking the best man you could get whether he was a Protestant or a Catholic?—I would be for benefiting the district for which the endowment was meant.

1994. Rev. Dr. MALLON.—If you had an intermediate school in Abbeyfeix and had special teachers engaged there, should you think it desirable to give the benefit of those teachers to the National school at Ballyroan—suppose a teacher of drawing, say for one day in each week?—I think it would be a very good idea.

1995. And the same might hold good for other subjects?—Quite so.

1996. Then if we drew up such a scheme, we might leave it in the power of the governing body as far as they thought it desirable, to give the benefit of their special teachers to Ballyroan, from time to time?—Yes.

1997. And in that way an arrangement could be made that would partly satisfy the claims of Ballyroan?—Yes.

has been no attendance at the school for over a year and a half?—The thing has been neglected by all parties. There has been no looking after or supervision of the school, and it has gone down for that reason.

2010. Could you suggest any body to look after it properly in the future?—I would say that there should be a local governing body appointed.

2011. How would you set about forming that body?—By the people in the neighbourhood, the parents of pupils, and the clergyman and farmers in the neighbourhood likely to supply pupils in the future.

2012. Rev. Dr. MALLON.—Do you think there would be any use in an attempt to teach agriculture?—I don't think it would do any good.

2013. Coming here from Maryborough we saw a great many weeds in the fields, would it not be an advantage to teach the people that the weeds attract qualities from the land that should go into the corn?—They know very well how to pull the weeds out, the whole thing is to get them at it.

2014. Professor DONNAN.—Have farmers no objection to sending their children to an agricultural school?—Yes.

2015. On what is that founded?—Simply because they have not proved of any advantage, and from the manner in which they have been managed by government in the past. They have not been a success in this country.

2016. Lord Justice FIFEGRAN.—I believe that even in England the number of successful agricultural institutions could be counted on the fingers of one hand?—I dare say they might.

2017. Rev. Dr. MALLON.—But without establishing an agricultural school, might not a little agricultural instruction be very advantageous in an agricultural district, such as this is?—Perhaps, in a small way—to children beginning, it would. But these schools have never succeeded—they never paid, and in my opinion simply because they were not worked right.

2018. Lord Justice FIFEGRAN.—There is a great deal to be taught in the way of chemistry and physical

science that would be found of use to agriculturists?—Yes, and that would be most useful. I was educated in that myself, and found practical chemistry most useful to me as a farmer.

10009. If things of that sort were taught, where would there be the best chance of having materials to work upon in the shape of pupils—here in Abbeyfeix or in Maryborough?—Perhaps in one of the towns, but if the endowment is to be of any advantage to the tenants on the Doonoy estate, I don't see why the school should not be kept up here. I think if you had a school under a good master and efficient assistants here, to teach classics, and give a good plain English, with a good deal of chemistry and some agricultural training, it would prove most useful to the district all round.

10020. Rev Dr. McILROY.—But Mr. Lyon has told us that there are no children in this neighbourhood to educate in such a school?—There have been dark times passing over the tenants, but things are looking brighter now, through the Land Acts and the Land Purchase Act, and farmers might want more education for their children in the future.

10021. Lord Justice FERGUSON.—You speak of dark times "passing over," but the history of this school has been all darkness for the 303 years it has been in operation?—I don't know whether that was the fault of the master or of those who sought to have looked after him. There ought to have been some local government of a sort or sort to look after the school.

10022. Rev Dr. McILROY.—How far do you live from Abbeyfeix?—I am not living on the Doonoy estate at present, but on another farm that I have.

10023. How far is your house on the Doonoy estate from Abbeyfeix?—Three miles.

10024. If this school had been at Abbeyfeix when your sons were growing up, would you have sent them there?—Yes.

Mr. John ABBEY.—May I ask Mr. Davidson how far was Esker, where he resided when his boys were growing up, from Ballyroan where he sent them to school?—About three miles further than this—nearly four miles.

Lord De Vaux.—About how far would your house or the Doonoy estate be from Maryborough?—Over five but not six miles.

Mr. ABBEY.—You are one of the tenants on the Doonoy estate, but you don't reside there?—Not at present, but my youngest boy will go to live there in a short time I expect.

10025. Lord Justice FERGUSON.—It seems clear that on this Doonoy estate, of which we have heard so much, there are only seven families, and one could not keep up a school for that number only. At the same time we ought not to change it so that they would lose all benefit from the endowment, if it be possible to remove it to a place near enough for them and which would present other advantages as well.

Mr. ABBEY.—I believe there are no children on the Doonoy estate ready for education just now?—Yes, Mrs. Kelly has two children.

Captain BLAND.—And James Kinella has a large family of over ten children?—Yes; they were living at Abbeyfeix, but have come back to their farm on the Doonoy estate recently.

You have a son married, Mr. Davidson, and he has children?—Yes.

Then the other son might marry, and reside at Doonoy?—Yes. It is my intention either that he or I should go to live there.

And if he had children, would you consider it too far to send them to school in Maryborough?—Yes—too far to Maryborough.

But not to Abbeyfeix?—Well, I would prefer sending them here.

#### Viscount De Vaux, &c., examined.

10030. Lord Justice FERGUSON.—I believe, Lord De Vaux, you have been taking an interest in this Ballyroan school?—Yes, but I had no knowledge whatever of the management of the school until to-day.

10031. How near does your own property come to Ballyroan?—Within a mile.

10032. Abbeyfeix is your headquarters?—Yes.

10033. Would you kindly give me the benefit of your opinion as to how this endowment could be made more useful?—Speaking in a selfish interest, I should like to see it moved to Abbeyfeix. I believe, from what has been stated by the previous witnesses, that would be equally convenient to the tenants on the Doonoy estate, and Abbeyfeix, being a railway station and a place where a good many markets and fairs are held, with a good many villages all round, there would be abundant materials to work upon there.

10034. You have a population of about 1,100 in Abbeyfeix itself?—Yes, in the village.

10035. What villages are there about it?—Ballinacilly, Ballacolly, and Durnow, which is a good-sized village, and is four English miles distant.

10036. Is that at the opposite side of Abbeyfeix from this?—Yes, at the edge of the county Kilkenny. There are other villages as well, indeed Abbeyfeix is the centre of a fairly populous district.

10037. Is there no intermediate school in that district?—Not one at present.

10038. If this school was moved into Abbeyfeix what number of pupils requiring a classical education could be hoped for?—I have not formed an opinion as to the actual numbers, but there are a good many shopkeepers in the town of Abbeyfeix, and gentlemen living round—not farmers strictly speaking.

10039. And where do they send their sons for education now?—All that I know have been educated at home, but they must send them away, externally, to boarding schools.

10040. What premises in Abbeyfeix could be made available for a school of the kind?—There are premises which could be made available for the purpose now at very little expense. There is a large building known as the assembly rooms, that I have to a certain extent the control over, and that would not require much alteration to make it available. It is used at present, partly by the Young Men's Christian Association, part as an office for the savings bank, and the large room for public meetings; but, even if that accommodation was not available there are other places where a school could be built.

10041. Who should be entrusted with the government of such a school?—You might form a governing body on the same lines as you have proposed in the case of the Royal school.

10042. Rev Dr. McILROY.—There are purely denominational bodies—should you think it desirable to have a purely denominational body governing such a school as you have been speaking of?—No. I should wish to see this school a mixed school.

10043. Professor DOUGHERTY.—Is there a fair prospect of continuing it as a mixed school?—I would not say suddenly, but I believe there is a very fair prospect of success in that direction if it were removed to Abbeyfeix. When the school was founded here, in 1885, Ballyroan was a flourishing little town on the main road from Dublin to Cork, while now it is a perfectly out of the way place. The village has fallen into decay, and is rapidly diminishing, while since the inquiry held in 1885, Abbeyfeix has increased in prosperity, a branch railway has been made to it, and it is now a very flourishing little town.

10044. Lord Justice MAW.—Could you form any idea, supposing such a school were established in Abbeyfeix, what the attendance would be?—I have answered that already. I could not put a figure on the probable attendance, but there are a very large

July 24, 1888.  
Mr. William Davidson.

July 25, 1888.  
Viewed by  
Vane, &c.

number of well-to-do farmers living in the district round Abbeyfeix taking a radius of five English miles.

10041. Lord Justice Fitzgerald.—Father Loder did not appear to anticipate any insurmountable difficulty in getting pupils of both denominations for such a day school—I would not like to speak confidently about that, but I hope not.

10042. Rev. Dr. Molloy.—If the endowment were removed into Abbeyfeix, what do you think of the suggestion to send teachers from Abbeyfeix to the National school at Ballyman, to give instruction in such subjects as might be outside to the boys there, as a sort of compensation to the scholars about Ballyman—for instance, drawing?—Assuming that an intermediate school were established in Abbeyfeix, that the teachers should go from that and give instruction, I think would be an admirable thing.

10043. Teachers, say in drawing, physical science, chemistry, and so forth, whose time would not be wholly occupied in Abbeyfeix, could come out here one day in the week and give instruction in those subjects to the boys at the National school—I think it would be an admirable thing if carried out. No doubt Abbeyfeix would be a good centre for the dissemination of knowledge and instruction.

10044. Lord Justice Fitzgerald.—You have a good deal of money here, and it is a substantial endowment. Some successful schools that have come under our notice have only £100 a year, and you have £300 a year—Yes, and the people about Abbeyfeix are pretty well off.

10045. What do you think of the proposition to move the endowment to Maryborough and not to Abbeyfeix?—Naturally I am interested in Abbeyfeix, but independent of that I think it is really more central than Maryborough. Though Maryborough is the county town you can reach more villages from Abbeyfeix, besides which there is the fact of this school at Mountath, and if I mistake not, there is another intermediate school, a private school, at Portarlington.

10046. What is the distance from Abbeyfeix to Portarlington?—It is the next railway station to Maryborough. It is fourteen or fifteen miles from Abbeyfeix.

10047. What is the distance of Rathleva?—Eight or ten miles from Abbeyfeix, but in a different direction.

10048. Rev. Dr. Molloy.—As regards the governing body, what number should you think convenient?—I have no experience of that, but I think the smaller the body the more chance there is of its doing good work.

10049. You would not suggest that it should be smaller than five?—No, but I confess that whoever is suggested as to a local governing body, I should like to see better control from Dublin. There is no control at all at present.

10050. Professor DOUGHERTY.—But we are bound to make provision that the school shall be inspected by an inspector appointed by the Lord Lieutenant, who is to report to His Excellency?—That, ever and above the local governors, is absolutely necessary.

10051. Rev. Dr. Molloy.—You are the owner of a very extensive property in the neighbourhood, and take an interest in education, so that it is natural that you should be a member of the governing body; what would you say to the parish priest and the Protestant rector being also appointed?—I should say so.

10052. As the endowment was intended, more or less, for the estate of Doonoy, should you think it desirable to give the tenants on that property the right of nominating one member?—I would not speak positively as to that—it is a small body, five—and the question is whether the tenants on the Mountath estate ought not to get some voice in the matter.

Very Rev. A. Phelan.—There is a school at

Kilbuckan for the Cappalonghlin tenants. There is a house with four acres of land, and a sum of £20 a year is allowed to the teacher. There was a hitch at one time about the matter, but they have placed the school under the National Board, and it is now working most satisfactorily. The tenants who support that school live on the Cappalonghlin estate, from which the money is drawn for this Ballyman endowment.

10053. Lord Justice Fitzgerald.—Yes—that amount is paid out of the rents, just as a landlord would pay it, to support a school there, although there is nothing authorizing it in the will.

10054. Very Rev. A. Phelan.—And the Doonoy estate is not mentioned in the will either.

10055. Lord Justice Fitzgerald.—No, and Alderman Preston fixed his schools in Navan, Ballyman, and Dublin, and said nothing about Cappalonghlin.

10056. Rev. Dr. Molloy.—Is there any other suggestion you would like to make, Lord De Vane, about the constitution of the governing body?—No, I have not had experience of the matter, and would not like to speak positively. But, looking to the future, in the event of any form of local government in the shape of county boards, I would not approve of these having control over such endowments.

10057. But your idea is to have a mixed school attended by pupils of each denomination?—Yes.

10058. And subject to the control of a board of local governors, on which the different denominations would be represented; but suppose such a school turned out after some years to be a failure, how then do you think the endowment could be best used?—I cannot give you any information as to that; I am so sanguine that the school would be used, if only one established in Abbeyfeix, that I have nothing of how the endowment might be utilized otherwise.

10059. I had it in my mind that it might be left open to the governing body, in such an event, to use the endowment to assist the schools in the neighbourhood that were already prosperous—that is if they found it impossible to carry on an independent school?—It might be done in that way; but I would like to see a good attempt made first to reconstitute the school in Abbeyfeix. I believe the late Mr. Loftus Blaud, the father of Captain Blaud, gave evidence in 1858 in favour of moving the school to Abbeyfeix.

10060. Captain Blaud.—I don't know whether he was in favour of Maryborough or Abbeyfeix, but he certainly was in favour of moving it from Ballyman.

10061. Lord De Vane.—I may say that I should be in favour of having a school both for boys and girls, and I would strongly press the advisability of teaching drawing.

10062. Rev. Dr. Molloy.—And you would have no objection to our putting in sewing for the girls and dressmaking?—Certainly not.

10063. And in that case you might send out your teacher of sewing and dressmaking to the girls at Ballyman?—Yes, and anything that can be done for the Ballyman primary schools might easily be done for other similar schools in the district; thus the intermediate school might be made a centre for the dissemination of special education to all the primary schools about.

10064. Then, with regard to the kind of education to be given at the intermediate school itself?—I should be disposed to leave that very much to the local authorities to determine from time to time, according as they would find the circumstances of the period or the wants of the people required. The provision which has been inserted in the draft scheme for the future management of the Royal Schools would apply very well in that regard here.

10065. Here there ought to be a discretion to undertake technical or industrial education, whereas we dealt with the Royal Schools as grammar schools pure and simple?—That could be provided for also. I might be allowed to mention that in the event of the

July 26, 1868.  
 Viscount de  
 Valentia, M.P.

endowment being reserved to Abbeyfeix, and a mixed school established there of the class I have indicated, I am empowered to say that there is a substantial sum of money—five hundred odd pounds—that could be applied in aid of the endowment, but it should be used purely in aid of the Protestants. The sum I speak of is the balance of an old Protestant Benefit Society fund, and therefore the trustees, of whom I am one, feel that it should be employed for the benefit of Protestants only.

10066. Professor DOUGHERTY.—How would you propose to employ it?—That would be a matter for future consideration.

10067. Would it be useful for founding exhibitions for instance?—That was one of the things in my mind, but it might be used in other ways as well.

10068. Lord Justice NANCE.—Was this fund ever used for educational purposes?—I should say not, but I believe the trustees have power to deal with it in this manner.

10069. Professor DOUGHERTY.—Do you think an addition, large enough to cover the school fees would be a sufficient inducement to a parent to allow his child to remain at the school after he might have thought of removing him to some employment?—I could not say but it should be an inducement, no doubt.

10070. Rev. Dr. MOLLOY.—If a school were established in Abbeyfeix, the trustees of that fund might make it a provision for awarding the most promising boys to go into a university?—Yes—that I also thought of—to give awards to boys proceeding from the school to the university.

10071. I don't see the necessity of dealing with such a fund in the scheme to be settled by the Commission?—No, but I thought I should state the fact that the trustees of that fund have sufficient power to dedicate it to this particular use, and that, as I am informed, they will do so in the event of a school being established in Abbeyfeix. And it would be for the

benefit of Protestants of all denominations, and for the district comprised in the parish of Abbeyfeix, which includes Ballyraan.

10072. Lord Justice FERGUSON.—In what form is this money at present?—I am not sure whether it is in the Savings Bank, but the trustees have full power over it, and they think it would be best applied in the interests of education.

10073. Your better course might be to wait until our draft scheme is prepared, and if it does what you wish, you might give the assent in writing required by our Act, and have your fund included in the scheme with a provision that it shall be applied as you wish?—Yes, but this being a Protestant fund, we must ensure that it will be used, in connection with a mixed school, for the benefit of Protestants only.

10074. Do you think it impossible to make this a prosperous school in Ballyraan itself?—I think it is impossible, and I believe, moreover, from the evidence that has been given here to-day, that the tenants on the Doony estate would get full benefit if the school were removed to Abbeyfeix. It is not too far for them to send their children. Two families that I know sent their children from Abbeyfeix here about three years ago.

10075. Mr. ABBINSON.—Your lordship mentioned Darrow as a locality likely to benefit by the establishment of a school in Abbeyfeix—are you aware that Darrow has the right to send pupils free to the foundation of Peacock School at Kilkenny?—I did not know that.

10076. Lord Justice FERGUSON.—That is by competition?

10077. Mr. ABBINSON.—Yes, from the local school at home.

10078. Lord Justice FERGUSON.—Any school in the country can compete also. The competition is not limited to any one school, but in practice it has been found that only certain schools have the knack of educating their boys so as to succeed.

#### Rev. Edmund L. Yves, M.A., examined.

10079. Lord Justice FERGUSON.—You are the Rector of Maryborough?—Yes.

10080. And you have got a memorial from the inhabitants of Maryborough?—I have.

Kindly read it!

(Reading).—"To the Educational Endowment Commissioners.—Gentlemen, in endeavouring to set before you the claims of Maryborough, as affording the most suitable site for what is now known as the Ballyraan Endowed School, we desire respectfully to draw your attention to the following facts.—The town is near the present school, and the distance from which the endowment is obtained. Maryborough is, with one exception, the most populous town in the Queen's County, and of late years has much improved. While, as the county town, in addition to the general inhabitants to be found in all large towns, not easily described, except by naming individuals, we have a large number of gentlemen, who, from their official position, or their profession, are obliged to reside in the neighbourhood, and to whom the establishment of such a school would be a matter of the very greatest importance. Such are,—the Officers of the Permanent Staff, Fourth Battalion Leinster Regiment, the County and District Inspectors, R.I.C., the Governor, H. M. Convict Prison, the Medical Physician, District Lunatic Asylum, the Medical Officers and Secretary of Queen's County Infirmary, the Officers of the Bank of Ireland, and a number of gentlemen connected with the Courts of Petty Sessions, Quarter Sessions, and Assizes, all of which are held in this town. Maryborough is, moreover, one of the most important stations on the Great Southern and Western Railway, and is a junction crossed at right angles by the Waterford and Central Ireland Railway, which now runs to Mountmellick, thus bringing it into direct communication with all the important adjoining towns. While thus desiring to bring under your notice the special advantages of Mary-

borough as a position for the establishment of a good school, we by no means wish to lay claim to the endowment for the exclusive benefit of the residents in the immediate neighbourhood; on the contrary we urge this position amongst other grounds, on this, that Maryborough affords a site which will enable the inhabitants of a larger area to avail themselves of the benefits offered by the school, than any other position in the vicinity of the present school; and, in furtherance of this object we would suggest that a certain number of scholarships, offering free or partially free education be established, to be competed for at examinations, open to all boys resident in the Queen's County, and to obviate all danger of an undue preponderance of local influence in the management of the school, we suggest that the Governing Body be chosen by the Diocesan Council of Leighlin."

Then follow the signatures of twenty-six of some of the most respectable inhabitants of Maryborough—gentlemen, professional men and men of business.

10081. What school have you in Maryborough at present?—Only one, that I am connected with, a National school under my management.

10082. What number of children are attending it?—We have an average attendance of a little over forty, and between sixty and seventy on the roll.

10083. Is it a mixed school of boys and girls?—Yes, under a schoolmistress.

10084. Of what class is she?—Second Class.

10085. How many of her pupils are in the Fifth or Sixth Class?—We have not very many in the Sixth Class. There are two other schools taught by Protestants in the town of Maryborough. I believe that the best education is given in the National school, where the teacher is of the highest qualifica-

Rev. Edmund  
 L. Yves, M.A.

July 30, 1886.  
 Rec. Edward  
 L. Ross, M.A.

them, but the other schools are of a higher character perhaps, their fees are higher, and a great number send their children there who object to the National school.

10082. Are these purely private schools?—Yes, one of them, in connection with the Methodist body has a small endowment from that body, but it is a private school.

10087. What is the other?—It is kept by two very respectable young ladies.

10083. Professor DOUGHERTY.—Do they go to your church?—Well, they sing in the choir and go to the Methodist Chapel also—they are not exactly Church people.

10089. Lord Justice FERGUSON.—How large are these schools?—Both the others would be about equal to mine.

10090. Where do boys who want to prepare for professions get their education now?—In one or other of these schools, we have no intermediate school, and in my opinion, the best available for Protestants in Maryborough, is my National school.

10091. Lord Justice NASH.—What is the distance from Maryborough to Abbeyleix?—Seven miles, I think.

10092. Lord Justice FERGUSON.—That is by rail, I suppose?—The distance by road and rail is very much the same, I think, but, I only approximate when I say seven miles.

10093. Is there any chance of children going to school—back and forward by rail?—If established in Maryborough there would be a chance of children coming from Abbeyleix and Mountmellick, I think, to us.

10094. Professor DOUGHERTY.—Do you propose to utilize any part of the endowment in connection with your National school, as Father FENIAN urged should be done in the case of his schools?—I am opposed to that, because this endowment, as I take it, was intended for an intermediate school, and it would be wrong to apply it to a primary school like a National school.

10095. You would like to see this endowment retained for an intermediate school?—Certainly, for that purpose only.

10096. Have you any objection to that school being placed under a mixed governing body?—No, none.

10097. Then what is the meaning of the suggestion that the governing body should be chosen by the diocesan council of Leighlin?—Well, up to this the governing body has been Protestant, and on the assumption that the same state of things was to continue that is the arrangement we would suggest, and what I would like; but you will have I am objection to the school being placed under a mixed governing body, to which I reply that I have not, provided always that the interests of the Protestants were secured.

10098. Would you like to see the Methodists having a representation on the governing body?—Well, I would rather say—Up to this it has been a Church school, or at all events under a Church master, and Church patrons.

10099. Is there a large Methodist body in Maryborough?—Not numerous, but they are very active.

10100. Lord Justice FERGUSON.—They have built a very handsome new church at the entrance to the town from the railway station?—Yes. That shows that their influence is considerable, but they are not numerous.

10101. Is there any other Protestant church, except your own and that, in Maryborough?—No other.

10102. No Presbyterian church?—No, not since the last 7 or 8 years. There was not a sufficient congregation.

10103. Where is the nearest Presbyterian church?—At Mountmellick.

10104. Professor DOUGHERTY.—There is a Presbyterian church at Ballacolla also?—Yes, there is a

Presbyterian congregation there, but that is near Abbeyleix. As to having this attached to a National school, I can answer, with great confidence, after an experience of thirteen years in Maryborough, that boys in any position of life that would render it desirable they should have a higher education, would not go to a National school.

10105. Lord Justice FERGUSON.—They experienced some difficulty at the Holywood schools near Belfast, but they have got over it. There they have a lower school in connection with the National school, and they promote largely by competition from the National school in the upper school, and now they have got all classes together. When we inquired how they got rid of their difficulty, we were informed that it was by the appointment of a thoroughly efficient master—don't you think the same might be done in Maryborough?—I don't know; but I would have thought maintained as an intermediate school, and, as it has always been, under Church control.

10106. Rev. Dr. MONTAGU.—What is the Church control under which it always was?—It has always been in the hands of members of the Church.

10107. It has been under very little control, apparently, at the hands of anybody?—The head master was always a Protestant.

Mr. Ligon.—I must say, though, that I had more Roman Catholics attending the school than Protestants.

The Witness.—And I would have no objection that Roman Catholics should still be received and treated by a conscience clause such as is used in the case of National schools.

10108. Rev. Dr. MONTAGU.—If there was an intermediate school established in Abbeyleix, the boys referred to in the memorial you read would more easily go to the school there than to the schools they are attending at present?—Certainly.

10109. Therefore their position would be improved?—Some of them would avail of it and go there, no doubt, but I doubt if all or even the larger number would. Our population in Maryborough is close on 3,000, and we have a large number of the class to whom such a school would be desirable, because of its being the county town.

10110. Lord Justice NASH.—Do you know the Protestant population of Maryborough?—I cannot tell you; it would only be an approximation. But I have a congregation in the morning, averaging 350 or 250.

10111. What is the nearest parish church to you—at this side there is none between you and Abbeyleix?—None. The parishes are very large, and I have two churches in my parish—a smaller one at the Rock of Dunamane.

10112. Captain ALMOND.—Portlinton was once a large centre of education, was it not?—It was, at one time.

10113. And is it now?—I believe not.

10114. How many large intermediate schools were there flourishing in Portlinton formerly?—Only two in my knowledge—Dr. Wall's school, and a small school giving a good class of education kept by Mr. Dunne.

10115. And Mr. Arthur's?—Yes.

10116. How far is Maryborough from Portlinton by train?—Ten miles, I believe.

10117. How many minutes by train?—I think between fifteen and twenty minutes.

10118. And the fare is low much?—I think, second class 3s. 6d.

10119. Then why if there is such a necessity for a superior school in Maryborough, didn't they go there?—My own idea is that if a boy has to go ten miles by train to school and ten miles back every day, it would be cheaper and better to send him to a boarding school. Remember too that the trains don't always suit the school hours.

Very Rev. A. Phelan.—And the station at Portarlington is fully a mile from the school. The railway fares, the walking, and everything would make it impossible.

Mr. Ashburn.—And might I ask Mr. Eves

whether he has any idea of the expense of sending boys to Portarlington?

The Witness.—I know that they were not cheap. I would say £50 or £60 a year.

July 19, 1888

Rev. Edward  
L. Eves, M.A.

Dr. David Jacob, J.R., examined.

10131. Lord Justice Fitzgerald.—Have you any information to give us as regards the educational wants of the neighbourhood of Maryborough?—I have conferred with some of my neighbours on this subject, and this morning—depending upon my own memory, and confined to Protestant sources, leaving it to others to supply similar figures for the Roman Catholic and other denominations, I jotted down roughly up to the number of thirty-nine boys who are either elsewhere being educated or who are on the spot without that education which their parents would desire.

10132. Do you include both boys and girls?—Boys only. And since I come into this room my erudite lie was handed to a gentleman who supplemented it by seventeen others. I took my list from those who might be classed as in a higher social position in Maryborough—I mean from the professional, official, and commercial classes, and I did not enter into the better farming class. But the total of that is thirty-nine now plus seventeen.

10133. Rev. Dr. Molloy.—And where are they getting their education at present?—Many at distant places—in England and Ireland, north and south—and a few from visiting teachers at Maryborough.

10134. Lord Justice Fitzgerald.—Who are the visiting teachers in Maryborough at present?—I could hardly answer that with any accuracy. A lady comes teaching music, and there have been visiting masters from time to time, but I can't say who they are at present. I believe that at present there are one or two attending classes under Mr. Campbell, others are attending the two young ladies who were mentioned as keeping one of the smaller primary schools.

10135. Professor Donohue.—Is Mr. Campbell a qualified classical teacher?—I cannot answer that; he is very capable, I know, but I cannot speak as to his qualifications.

10136. Rev. Dr. Molloy.—What proportion of the thirty-six boys are getting their education away from Maryborough—in England and other parts of Ireland?—Quite the half.

10137. Is England or Ireland?—Both. My sons have all been educated; I confined myself as far as possible to Ireland, but have also sent them to England.

10138. Professor Donohue.—Do you think that parents who now send their boys to schools in England would avail themselves of an Intermediate School in Maryborough, if one were established there?—I freely believe that the large majority of that thirty-nine would avail themselves of a local Intermediate School—certainly I do.

10139. Then you don't anticipate any social difficulties?—No. I know parties in my neighbourhood whose means are straitened now to provide education for their children.

10140. And, in face of this great necessity, has there never been any attempt made to establish an Intermediate School in Maryborough?—There was a most prosperous and thriving school there until the death of its master, the late Mr. Martin, but I am not aware of any attempt, after his death, to continue or replace that school.

10141. Why was there no effort made to continue it if it was a success?—I am not able to answer that. But I am aware that a very successful school was conducted at Portarlington later by a gentleman who left on a call to England, with good prospects, which, I regret, have not been fulfilled; I refer to the Rev. Dr. Wall.

10131. When his school was established at Portarlington had you any considerable number of boys going from Maryborough there?—It was more of a boarding school, but he had pupils from Maryborough—my sons and others.

10132. Have day boys gone to the Portarlington school in any considerable numbers from Maryborough?—I believe it has been done, but not in any considerable numbers. The school at Portarlington is over an Irish mile from the railway station, and that, together with the expense of railway fares, made the impost too heavy.

10133. Rev. Dr. Molloy.—After this successful schoolmaster that you spoke of died was there no effort made by the Protestants of the locality to get a master who would carry on the school?—I am not aware of any.

10134. Then it would seem that your condition at Maryborough is, that having had a successful school you let it die out?—Yes, but the vacancy was caused by the death of the master, Mr. Martin.

10135. And death might occur again. The point is that when you had a good school in Maryborough you made no effort to keep it up?—True, death might occur again.

Mr. M. S. Conson, J.R.—That is forty years ago, and Maryborough has materially improved since, and the population has increased. A great number of our public buildings have been erected in the interval, and there are people there now who would maintain a high class school if established. Maryborough is at the present moment one of the most flourishing provincial towns in Ireland.

10136. Professor Donohue (to the Witness).—Haven't the people of Maryborough ever thought of putting their hands into their own pockets for the purpose of providing proper educational facilities for their children in the town of Maryborough?—That would be a very serious thing for me to answer; but it would seem to me that a contribution to establish a school added to what they would have to pay for the actual education, would pay for the support of their children at one or other of the boarding schools already in existence. I might add that Maryborough is connected with two lines of railway and is therefore a more central place, besides being the county town, for utilising a public or quasi public Educational Endowment, than Abbeyfeick. Pupils might come conveniently from Abbeyfeick, from Mountlith, and from Stradbally. They would also come, I have reason to believe, from Mountlith, just as boys go from Kingstown and Monkstown into Dublin. Then, as to the source of the fund that you are dealing with, it is to be remembered that the property is as near to Maryborough as to Bellinacorney, and that a school in Maryborough would provide for the entire district including Bellinacorney, while a school at Abbeyfeick would not do so. Reference has been made very pointedly to the Dooney Estate, but there is nothing in the Endowment to the effect that Dooney is to be specially provided for.

10137. Rev. Dr. Molloy.—The special relation of the endowment to Dooney is that the founder himself fixed the school at Bellinacorney, which is near Dooney, then his property.

Witness.—My argument would have the opposite tendency—that he ought to have placed the school nearer the property which gave the money for its support. As to the population of Maryborough

Dr David  
Jacob, J.R.

July 26, 1885.  
Dr. David  
Jacob, J.P.

I am inclined to think, that it will be found at the next census to have the largest in the county; Mountmellick is diminishing and Maryborough is rapidly increasing.

**Captain Blund.**—Does the population include the lunatic asylum inmates?—The best answer I can give to that is, that the resident medical superintendent of the lunatic asylum has a very large family, and will no doubt contribute his share of the pupils to the school. It has been mooted in conversation amongst those with whom I am sitting, that it might be fair and proper to provide some equivalent for Ballyroan, if it should suffer any loss in connection with this matter, in the shape of exhibitions or cheaper education—or that otherwise some return should be offered to the Ballyroan people.

**10138. Lord Justice Fitzgerald.**—If we were to have a franchise for subscribers to the funds and to enable the governing body to allocate the money amongst various schools, would there be any prospect of your qualifying in Maryborough by providing some supplemental funds?—I don't think that Maryborough will be behindhand in liberality, but I fail to see why this endowment should require to be supplemented by other funds. If you refer to fees, I am quite certain that the Maryborough people are quite prepared to pay as liberally as they are doing now, and it would be a great advantage and convenience to them if they had a school of the kind there. I think that any local contribution should be in the form of fees. I am not prepared to say that it would be a success if someone went round before the school was started and said "How much will you give in addition to the fees to be charged for the education of any children you may send." It is to be remembered that the Maryborough population, including many officials, who, being "lords of passage," could not be expected to contribute to a foundation fund.

**10139. Rev. Dr. Moxter.**—Would they be ready to build a school if you got the endowment?—There is a gentleman who would give a suitable site with only a nominal head rent. As to the building, that represents a good deal of money.

**10140.** Two thousand pounds, say I—I don't think that half that amount would be found in the neighbourhood of Maryborough for building a school.

**10141.** Then in that respect you don't stand in as

favourable a position as Abbeyfeix?—The site I speak of contains twelve acres of land, subject to a merely nominal head rent, which, I think, is a very excellent set off against the 2500 offered by Lord De Vesci on behalf of Abbeyfeix. Therefore, I claim, that as far as that is concerned we are on equal terms, and I think we have a right to fall back upon the recommendation of the former Commission which, as I understood them, were in favour of Maryborough.

**Mr. Atkinson.**—Might I ask you, Dr. Jacob, whether the list you made out—the thirty-one—is exclusively of Protestants?—I stated distinctly that it was so, leaving it to others to give the number of Catholics. I jotted down names just as they seemed to me—all of Protestants, and I think it is a very imperfect list still.

If the school were a mixed school, from your knowledge of the district about Maryborough, and the well-to-do position of the Roman Catholic population there, would not that list be largely augmented?—I believe that it would be too much to say trivial, considering the classes that would avail of the school, but it would be doubled at least. That is for a higher school.

And that would give an average on the roll of about how many?—Of about 150.

**10142. Professor Doherty.**—Do you think it likely that the Roman Catholics of Maryborough would send their children to a school, the head master of which would be a Protestant and which was exclusively managed by a Protestant Governing Body?—That is not my proposal, sir; I meant that the Roman Catholics should have their part, too, in the management of the school—that the board of governors should be a mixed board.

**10143. Rev. Dr. Moxter.**—Mr. Davidson, do you think it would be more advantageous to the inhabitants of Ballyroan and Doonny to have a school established at Abbeyfeix or at Maryborough?

**Mr. William Davidson.**—It would make no difference, so far as I am concerned.

**Lord De Vesci.**—Allow me to observe that, assuming the school to be removed from here, towards building a new school at either Abbeyfeix or Maryborough there is the value of this house, and the land adjoining, which is plus the noted Endowment, and its accumulations.

Mr. James M'Malen, P.L.C., examined.

**10144. Lord Justice Fitzgerald.**—I believe you were a pupil of this school?—Yes.

**10145.** And reside in the neighbourhood?—Yes, in Ballyroan.

**10146.** What views do you wish to put forward about making the endowment more useful?—I could not offer any suggestion.

**10147.** How many pupils were here in your time?—About twelve.

**10148. Lord Justice NAIRN.**—What were you taught?—Latin, Greek, French, arithmetic, and geography.

**10149. Lord Justice Fitzgerald.**—You were here in the time of the present master?—Yes, and one and a half years in his father's time as well.

**10150. Mr. Lyon** told us that before his father died the boys fell away altogether?—There were six or eight boys coming to the school at the time his father died.

**10151.** How did they fall away?—I could not say.

**10152.** You remained on all through?—Yes, six or seven years.

**10153. Rev. Dr. Moxter.**—Were you a day boy or a boarder?—A day boy. I lived just close to the school.

**10154. Lord Justice Fitzgerald.**—Do you think if the school was reopened, and more strictly looked after, pupils would come to it?—I think the same

number would be in attendance in a very short time again.

**10155.** About a dozen or so?—Yes.

**10156. Lord Justice NAIRN.**—If it were to be removed, which would you prefer, Abbeyfeix, or Maryborough?—I should say Abbeyfeix, of the two.

**10157. Lord Justice Fitzgerald.**—Is that because Abbeyfeix is nearer?—Yes—more acceptable to the people of this locality.

**10158.** Is Abbeyfeix your market town?—Yes.

**10159. Mr. Maryborough.**—Well, Maryborough is occasionally. I reside in the village here, and Abbeyfeix is only two-and-a-half miles off.

**10160. Rev. Dr. Moxter.**—And you think it would be of greater advantage to the people of Ballyroan and its neighbourhood to have the school at Abbeyfeix rather than at Maryborough?—Yes.

**10161. Lord Justice Fitzgerald.**—Living in the neighbourhood, could you give us an idea of what the land about this house is worth? It is all in fees, and as Lord De Vesci remarked it would be available for building a new school-house—would there be any chance of getting a good sum of money for it?—There might.

**10162.** Is there anything more you wish to tell us as to the school?—No, I don't know of anything.

**Mr. George Jones** (Town Clerk of Maryborough).—I am authorised by Mr. Thomas Turpin, solicitor of Maryborough, the landlord of the plot of ground

Mr. James  
M'Malen,  
P.L.C.

that Dr. Jacob has mentioned, to say that he will give that site for a school if the endowment is removed there. I am the tenant of the ground in question under Mr. Turpin. It comprises twelve acres, and is situated at Killybegs, within the township of Maryborough.

10163. Professor DOUGHERTY.—What is the value of your interest in the land?—I could not tell you, but I am prepared to give it up.

10164. You propose to make a present of your interest to the school?—Yes, if you bring the school there.

Dr. Jacob.—Subject, as I understand, to the head rent only?—Yes. I am the occupying tenant; Mr. Thomas Turpin is my landlord, and if you bring the school there I will give up the land, and Mr. Turpin will hand over the site subject to the nominal head rent.

10165. Rev. Dr. MOLLOY.—What rent do you pay for it?—£32 a year, and I receive £12 for house rent out of that.

10166. But you pay £33 a year for this plot of ground, that is to be given up for a school site?—Yes—but £13 comes back to me out of that for house rent.

10167. Does the owner propose to give up all that land?—Yes—subject to the small head rent.

Lord Justice FITZGERALD.—I wish you would ask Mr. Turpin to write to me making this offer—for which we thank him—and stating the full particulars, so that we may have proper data to work upon.

10168. Rev. Dr. MOLLOY.—Dr. Jacob, would the

inhabitants of Maryborough, whom you represent, be prepared to establish a school if they were to get a portion of the endowment to be given as long as the educational work accomplished warranted its continuance?—I don't think the attempt would be a success, for this reason, that Maryborough is a centre for birds of passage—persons who come and go, and there are people there upon whom we have no permanent claim. The school, to be a success, should be established out of the endowment funds and provided there for them.

Lord De Foe.—In the interests of Abbeycix I would just add that the buildings I mentioned as available there, you will get on the most favorable terms.

10169. Lord Justice FITZGERALD.—The evidence will be most carefully considered. We came to Maryborough, but we intend returning by Abbeycix, and we will inspect the buildings there which Lord De Vici said were available for a school-house. Subsequently we shall prepare a draft scheme, which will be duly published, and an opportunity afforded to the parties interested of raising any objections. The patrons possibly may have something to add, although they are not represented at this inquiry. Speaking for myself, I should like to see some possibility of representation on the governing body of the school of the people of the locality. If you could form a local body on which the people of the locality, including both Abbeycix and Maryborough, would be represented, a great step will be gained towards utilizing the endowment.

The inquiry then concluded.

July 18, 1888.  
Mr. James  
McMahon,  
P.L.C.

## PUBLIC SITTING—THURSDAY, AUGUST 2, 1888.

At the Four Courts, Dublin.

Present:—The Right Hon. Lord Justice FITZGERALD, and the Right Hon. Lord Justice NAISH, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., D.C., ANTHONY TRAILL, Esq., LL.D., M.B., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Secretary, WM. EDWARD KILLY, Esq., LL.B., and the Assistant Secretary, N. D. MURPHY, jun., were in attendance.

### \* THE ROYAL SCHOOL ENDOWMENTS, AND OTHER EDUCATIONAL ENDOWMENTS ADMINISTERED BY THE COMMISSIONERS OF EDUCATION IN IRELAND.

James Orr, Esq., q.c. (instructed by Mr. Archibald Robinson) appeared for the Commissioners of Education in Ireland.

J. J. Glavin, Esq., M.A. (instructed by Mr. Henry) appeared for the Intermediate Education Committee of the General Assembly of the Presbyterian Church in Ireland.

E. J. Robertson, Esq. (instructed by Mr. Tolson) appeared for the Wesleyan Methodist Conference.

E. F. Bailey, Esq., q.c. (instructed by Messrs. Henry T. Dine and Son), appeared for the Diocesan Councils Armagh, Clogher, and Derry.

John Ryan, Esq. (instructed by Mr. Allen) appeared for the Diocesan Council of Kilmore.

John Atkinson, Esq., q.c. (instructed by Mr. J. Whiteside Dunn) appeared for the Local Committee of Protestant Denominations in the County of Fermanagh.

John Roche, Esq., q.c. (instructed by Mr. William Gallagher) appeared for the Most Rev. Dr. Logue, Roman Catholic Primate.

E. P. Carton, Esq., q.c. (instructed by Mr. John F. Wray) appeared for the Most Rev. Dr. Donnelly, Roman Catholic Bishop of Clogher.

Nicola Drummond, Esq. (instructed by Mr. H. P. Kennedy) appeared on behalf of the Most Rev. Dr. McGee, Roman Catholic Bishop of Kilmore.

The Right Hon. Samuel Walker, q.c. (instructed by Messrs. Kelly and Lloyd) appeared for the Rev. Dr. W. Moore Morgan, LL.D., Head Master of Armagh Royal School; and the Rev. P. H. Ringwood, LL.D., Head Master of Dungannon Royal School.

Mr. Sergeant Crompton (instructed by Messrs. Kelly and Lloyd) appeared for the Rev. Wm. Steele, D.D., Head Master of Enniskillen Royal School.

\* See Appendix B, Nos. XXI. to LXXVII., pp. 307-338.

Aug. 2, 1888.

*E. F. Anselm, Esq.,* q.c. (Instructed by Messrs. Kelly and Lloyd) appeared for the Rev. W. Prior Moore, M.A., Head Master of Cavan Royal School.

*Mr. Richard Dune* appeared for the Rev. J. A. Weir, L.D., Head Master of Raphoe Royal School, and also for Messrs. M. Benkett, T. G. Gambier, W. J. Valentine, M.A., and G. Hennaghy.

*A. H. Bates, Esq.,* appeared for W. M. Mitchell, Esq., and W. H. O'Sullivan, Esq., M.A.

*Mr. Patrick Coll, Crown Solicitor,* appeared for the Lords of the Treasury.

His Grace the Most Rev. Dr. Logan, Roman Catholic Primate of all Ireland; His Grace the Most Rev. Dr. Walsh, Roman Catholic Archbishop of Dublin; the Most Rev. Dr. Donnelly, Roman Catholic Bishop of Clogher; the Right Rev. Dr. Stone, Protestant Bishop of Kildare; P. K. Joyce, Esq., Head Master of Banagher Royal School, appeared in person.

### OBJECTIONS AND AMENDMENTS.

*Mr. Patrick Coll, Crown Solicitor,* on behalf of the Treasury, brought forward a claim for a balance of £225 18s. 11d. remaining due to the Crown, on account of a loan made by the Treasury in 1818, for the purpose of repairing the Banagher Royal School buildings. He stated that it was intended to proceed in Chancery for a Receiver. That Commissioners of Education had the opinion of Mr Sergeant Jelliffe, and the Government obtained the opinion of the Law Officers in 1883, and all concerned in thinking that the debt could be realised in Chancery. The object of the present application was, that if the object of the Treasury could be effected under the Scheme and be settled by the Commission, the Chancery proceedings and consequent interference with the endowment might be avoided.

*Lord Justice Fitzgerald.*—The Draft Scheme preserves all existing charges and we have some difficulty in declaring the validity of this charge—if there is any question about it.

*Mr. Coll.*—There is no question.

*Lord Justice Fitzgerald.*—You may prepare and send in a written statement of the circumstances of the claim, which do not fully appear in the evidence already before us, with the grounds upon which you put it forward now.

*Mr. Coll.*—Thank you, my lord.

*Lord Justice Fitzgerald.*—We have appointed this sitting under our Act, sec. 32, which enables us to hold collectively a public inquiry concerning the subject matter of any scheme which has been published and to which objections have been received. Though the full Commission sits here, I should mention that the jurisdiction to dispose of objections and amendments rests exclusively under sec. 33 with the Judicial Commissioners; and therefore the responsibility of any action that may be taken upon the draft scheme already published will rest upon my brother, Lord Justice Nash, and myself; though in the discharge of our duty we shall have the assistance on this, as on all other occasions, of our three colleagues.

We have received a large number of objections, and of proposals by way of amendment, to the draft scheme. They were necessarily all so diverse and disconnected that to save time and avoid confusion and repetition, we must lay down the order in which we propose to deal with them, and I have, therefore, been asked by my colleagues to commence to-day's proceedings by a statement of those facts that appear undisputed, and which form the necessary conditions of any settlement that may be arrived at; also to point out, in their natural order, the questions raised by the objections, and to say how we propose to take them up.

The first condition of considering this case at all is to understand what the property is with which the scheme has to deal. The evidence taken at our inquiries in the country and in Dublin, has been supplemented also by information received from the Commissioners of Education, who have advised us in every possible way. But from the objections and the mode in which they are put forward, it would seem that the parties claiming an interest in the Royal School Endowments have not a clear, adequate,

or accurate understanding of the present condition of the property which forms the real subject matter for which the scheme is to be settled. The endowments of Banagher and Carrisfort are small and exceptional, and the Ulster Royal School Endowments are so much the most important, and present so much difficulty, that we will deal with the latter in the first instance. The endowments, as a whole, consist of three separate classes of property—first, landed estate in the hearts of tenants and producing rent; secondly, a considerable sum of accumulated money, purely consisting of cash balances, and partly of investments in Government Stock; and, thirdly and lastly, the buildings and lands constituting the school premises. The Commissioners' Reports to Parliament show that they have had what they consider, with the small exception during last year of the Raphoe Estate, a satisfactory collection of their rents during the last three years, and we have no reason to suppose that the receipts of those three years, 1885, 1886, and 1887, do not fairly approximate what the landed estates may be expected to yield, on the average, in the future. The monies acknowledged as "receipts" in the Commissioners' Reports for the last three years have not been really received in full, for the Commissioners have entered as "receipts" the abatements allowed to their tenants, and have even allowed five per cent. to their agent on these; in addition there are large charges—like rent charges, rates, and drainage charges, as well as the ordinary outgoings and expenses of management; the figure is a startling one, but it is true, that 24 per cent. of the amount entered in the accounts of the Commissioners as "receipts," has been disposed of as abatements, and the result is that the net average income for the last three years has been only £244 in Armagh; £274 in Cavan; £280 in Dungannon; £1,253 in Enniskillen, and £139 in Raphoe. It must, therefore, be understood that the total net income of the five Ulster Royal School Estates, on the average of the last three years has been £3,536, and no more. If they were sold at twenty years' purchase of this net income, they would produce £70,000, and if that sum was invested at three per cent., the income would be reduced from £3,536 to £2,118. The money funds consist in the first instance of the following sums of Government Stock: £1,019 16s. 2d. to the credit of Armagh, the proceeds of a portion of the estate that was sold; £5,255 18s. 5d. for Cavan; £346 8s. 2d. for Dungannon; £2,993 16s. 2d. for Enniskillen, and nothing for Raphoe. The Armagh £1,019 16s. 2d. is the only substantial item representing the sale of any portion of the estates. The other sums are accumulations of income of previous years, with some small exceptions not worth speaking about. Then we have cash balances, unfortunately not all on the right side. Inasmuch as the Commissioners, for some years back, have been spending more money on the Armagh school than they have been getting out of the Armagh Endowments, Armagh now owes £1,150 0s. 3d. in cash, and, therefore, instead of having any money available in addition to the estate, the Armagh find, if the Stock standing to its credit were applied at par to pay

\* Appendix B, No. XXI., p. 307.

† Appendix B, No. LXIII., p. 516.

‡ Appendix B, Nos. XXII. to LXII., pp. 228-540.

is debt would still owe £110 4s. 1d. Cavan on the other hand has £1,031 18s. 1d. in cash, Dungannon £341 13s. 1d., Enniskillen £3,337 16s. 9d., and the Raphoe school, where the expenditure has for several years been larger than the whole income of the endowment, owes £1,997 17s. 1d., and has nothing except its estate where-with to pay it. The result of the whole is that there is a debt in Armagh of £110; a credit in Cavan of £6,338; a credit in Dungannon of £608; a credit in Enniskillen of £6,330, and a debt in Raphoe of £1,067, leaving a balance on the whole to credit, in money and stock, of £12,008. The only remaining endowments are the lands and buildings. The lands consist in Armagh of eighteen and a half acres; in Cavan of sixteen and a half acres; in Dungannon of ten and a half acres; in Enniskillen of fifty-four acres, and in Raphoe of two and a half acres, all English mosses. The valuation of all these lands is £197 14s., and the valuation of school buildings £713, making the total Government valuation of the school premises £910 18s. per annum. The outgoings I have already mentioned do not include one halfpenny spent on the buildings or lands comprised with them, and during the last three years, including a small outlay on three tenantry schools, there has been a further expenditure of £552 a year, partly for rents, taxes, and insurance, but principally for repairs necessary to keep these great buildings in tenurable order. We have seen them all, and they all set in tenurable order, but nothing more. Therefore the buildings and lands valued at £910 18s. are not for maintenance, in round numbers, £500 a year. Now what are these buildings? Armagh school contains accommodation for 84 boarders, and 140 pupils in all; Cavan for 50 boarders, and 100 pupils in all; Dungannon for 80 boarders, and 145 pupils in all; Enniskillen has accommodation for 164 boarders, and 150 pupils in all, and Raphoe for 60 boarders, and 50 pupils in all. Therefore you have buildings big enough to accommodate, besides the masters and domestic staff, 334 boarding pupils, and nearly 600 pupils in all for daily education. An important question for us to consider is—How can these buildings be best utilised? These buildings, unfortunately, are not to be looked at now without remembering that they really represent different periods of prosperity. When one was full there were empty, and the existing buildings represent the maximum point of success attained during the last fifty years by each school considered separately, but all were never at any one time in useful operation—or were they ever nearly full together. Therefore, time is no period in the history of these schools in which all these buildings have ever been utilised for educational purposes at the same time or anything like it. That is an important matter to be borne in mind when we come to see what is to be done with them now.

I have now given an outline of the property constituting these five Royal Endowments. Next let us see how the money received from the estates has been spent. £331 has gone upon the school premises. For education, the average expenditure for the three years upon the head master, assistant masters, and exhibitions, has been £576 in Armagh, £376 in Cavan, £885 in Dungannon, £340 in Enniskillen, and £300 in Raphoe. Taking into account the interest on the money as well as the receipts from the lands, the result has been that on the average of the three years, the Commissioners have spent £20 a year more than they got in Armagh; £28 less than they got in Cavan; £35 more than they got in Dungannon, £219 less than they got in Enniskillen, and in Raphoe they have had an annual deficit of £100, more than the whole income, amounting in the present debt of over £1,000. The whole amount spent on education has therefore been £2,820 a year, and that is short the whole sum with which we should have to deal by the scheme, on the assumption—which is very different from the truth—that we could walk into possession of it untrammelled

by any vested interest. But this £2,820 has been chiefly paid away in teachers' salaries, and before the scheme can deal with it, our Act requires us to make provision, either by "saving" them, or by "making due compensation" for them, for the vested interests of all the individuals holding any endowment arising out of the endowments at the date of the passing of this Act.

The draft scheme proposes to continue by way of compensation the full life annuities which the head masters receive. These annuities, if taken at their present value in the Civil Service pension tables, at the age of the present head masters, if now allowed to retire on full pay, would take £14,225 to pay them. Besides, there would be a large sum for the assistant masters who are not freeholders, and the mode of ascertaining their due compensation must be settled. We have received by way of objection from the head masters, claims on the part of the head master of Raphoe to be compensated on the basis of his being in possession of a life interest worth £384 a year, and on the part of the other four head masters, claims, not for compensation, but to have their existing interests saved. We required them to give the particulars of the emoluments of which they claimed to be in possession, and in each case in the same terms they have claimed the salary, the free use of the school premises, to have all rates, taxes, insurance, and cost of maintenance paid for them, the profits of the lands connected with the schools indemnified against expense, the profits derived from pupils, the advantages accruing to the schools from the exhibitions, and the allowances for assistants. It will be our duty, assisted I hope by those interested in the future use of the endowments, to see that these claims are fairly tested and justly dealt with, but I should mention what they are. The head master select as the period on which, if they retire, they think their compensation should be calculated, the seven years ending in 1884, and here is the result—that the annual net income in which the head master of Armagh claims to have a "vested interest" is £2,518; Cavan, £2,633 7s.; Dungannon, £2,918 13s. 1d.; Enniskillen, £2,513, and Raphoe, £454 per annum. If we were obliged to make compensation upon these figures under the Civil Service tables, it would take something like £50,000, or nearly five-sevenths of the whole capital value of the estates of the Royal Schools at twenty years purchase of the net rental, to compensate the claims of the five head masters, though their average age is not far from 70 years! The question of their title will require consideration. One of them who has been in office for more than fifty years, was originally appointed at a salary of, I think, £200 a year. It is stated in the reports of previous Commissions that in consequence of complaints as to the management and condition of the school, the Commission reduced this salary first to £200, and eventually to £100 a year, at which it has remained since about 1847. A serious question on which we will hear argument, will be the mode of ascertaining the value of a vested interest, where the Commissioners have exercised the power of reducing the salary, making the insufficiency of the school the excuse for the reduction. But of all events, it is our duty to save or to make due compensation for these vested interests, and all I can say now is, that if it were necessary to award compensation upon anything like the scale upon which these claims have been based, we should at once feel it our duty to take the other alternative and to save the vested interests by our scheme, because, manifestly, the worst possible bargain that we could make in the educational interests of the localities would be to pay away the capital of the endowments by way of superannuation, instead of waiting for the existing interests to expire. Until the expiration of the vested interests we can simply postpone bringing our scheme into operation, and it would be much better to do that than, in order to bring it into immediate operation,

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to reduce the value of the endowments to little or nothing.

There is another observation which it is my duty to make on this matter. The form of these claims to have these vested interests saved, does not appear to us to be consistent with the memorials and reports repeated during the last twenty years, in which the head masters and the Commissioners have concurred in complaining of the want of power to grant reasonable retiring allowances as a grievance, and as a main cause of the decay of the schools.

Before turning to the proposals for the future, I would mention, as the last of the series of existing facts, the present condition of the schools as compared with their condition at previous periods. We have the report of the Duke of Leinster's Commission in 1850, and the report of the Earl of Rosse's Commission in 1880, and I have also the figures for 1884, the last of the seven years which the masters include in their selected period, and those of the present time. The report of 1850 does not distinguish between boarders and day boys, but there were then in the five schools 280 pupils. In 1870 there were 331, of whom 150 were day boys and 201 were boarders. In 1884 there were 265, 88 boarders and 118 day boys, and at the present time, there is one day boy more than in 1884—119 day boys now against 118, but there are only twenty-five boarders, all in Armagh, making in all but 134 pupils, upon whose education £5,805 per annum is expended. It is notable that the number of day boys—that is the amount of education given to boys belonging to the districts to which the endowments belong—has severely fluctuated at all, there were 130 in 1870, and 118 in 1884, and there are 119 now. All these pupils, with sixteen exceptions, pay fully equal to those charged in good schools elsewhere, and therefore the benefit derived from the Royal Endowments is that of having five schools maintained at which 109 boys pay fees, and 19 are educated free as day pupils. There are, in the same localities, a large number of schools, many of them established during the very period covered by the decadence of the Royal Schools, which we found by no means in a perishing condition. In Armagh, Monaghan, Carrig, and Letterkenny there are large buildings devoted to Roman Catholic Intermediate Education. The Protestants have private schools in Carrig and Newry, and one of the causes mentioned to account for the reduction in the number of pupils at Armagh Royal School, was the establishment of a private school there by an assistant master who took away pupils from the Royal School to his absolutely unendowed establishment. There are several endowed schools in and round about the district, a large one at Lurgan, one at Droghda, one at Dundalk, two at Leinster, one in Slaneau, one in Colmole, and one in Monaghan. That these schools are giving the same sort of education which the Royal Schools ought to give is indicated by the fact that their pupils have repeatedly obtained Entrance Exhibitions at Trinity College, and Colmole School on one occasion, in 1880, earned of the first, second, and third places at the Entrance Examination there. Strabane School was established by local subscription. The Protestant inhabitants of Monaghan re-established the school there, having got possession of the deserted premises of the old Diocesan School from the Commissioners of Education, and it commenced to flourish when it was established under a local committee who subscribed enough money to put it in habitable repair, and who have since managed it.

Now comes the question—how we can best proceed to settle these claims for the future government and management of these Royal Educational Establishments? Our draft scheme commences by recommending the Commissioners of Education. I do not intend in any way to derogate in relation to any of these matters with which we are about to deal. It is our duty to consider in a judicial spirit every objection to the proposals in the draft

scheme, and I now only mean to state the views which weighed with us in the preparation of this scheme, and the conflicting views which have been presented to us from time to time. There are two main arguments in favour of constituting a central body to continue the work of the Commissioners of Education. In the first place, some central authority is required to do the work of distribution and of control, and to see that effect is given to the provisions of the scheme by each affiliated school, if I may so call it, which claims the benefit of the endowments. In the second place there is the important circumstance that the Commissioners of Education under their Acts of Parliament are entitled to have the expense of their administration defrayed by Parliamentary vote. These expenses are among the very small and few now available from public sources for Intermediate education in Ireland, and if the Commissioners of Education be not continued, we could not have their expense paid in that way. The greater number of the objections tend in the direction that the number of Commissioners proposed in the scheme is too large, and that would be very much our own impression, if the whole number were supposed likely to be all constantly working at once. But this central board is to have control over all the local boards, and there must be at least one representation of each of the local authorities upon it, and it should be considered whether these local representatives are not likely to act rather as delegates, who would come up to Dublin only whenever some important matter was to be disposed of, or when something specially affecting their own locality was to be considered, and they might not be always in attendance at ordinary or routine meetings of the general body. For reducing the number, the proposals of the electors are contradictory.

Another question to be considered is the area over which the functions of the Commissioners are to extend. If anyone will look at the memorandum which we addressed to the Chief Secretary of the Lord Lieutenant a year and a half ago, it will be seen that as soon as we had definitely ascertained that the amount of the Royal School Endowments was wholly inadequate to produce any appreciable effect upon Intermediate education over the whole of Ireland, we endeavoured to impress this fact on the Government, and, furthermore, pointed out that the grants from public sources for purposes of Intermediate education are practically nil, as compared with those for primary and university education. The only important fund applied to Intermediate education is a portion of our own Church surplus, an Irish fund, whereas the amount now given from Imperial taxation annually for elementary education is almost one million sterling. If the reconstituted Commissioners of Education should be empowered to deal with any public grants which might be made available for Intermediate education throughout Ireland, they must not be confined to local representatives from the districts to which these Ulster Royal School Endowments belong, and we, therefore, proposed to continue the nomination of members by the Lord Lieutenant, and also to provide representation of the various denominations entitled to advantage from the endowment which might be administered by the Board and representation of the Universities of Ireland, for which the Intermediate schools should be preparatory.

A great many objections desire that we should by our scheme fix the proportions in which the various religious denominations should be represented on this central body. We will hear all that may be said upon the point, but a difficulty is that until we know the area over which the Commissioners are to have jurisdiction, it would be hard to say what the proportions ought to be. If the schools which come under them ultimately to a very large extent belonged to one denomination, or were confined to Ulster, the limit might be wrong in one direction, which would be wrong in the other if the Commissioners had to deal with schools of all denominations all over Ire-

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had. Therefore, what we have proposed is to leave it to the Executive Government to appoint this Government Commission, from time to time, with due regard to the proper representation of each of the denominations.

The next question is—what are to be their powers? Their powers, generally speaking, must be to superintend the working of the local bodies which will have charge of the schools. There is also a question as to the management of the estates, of which I shall speak afterwards. The educational powers of the Commissioners must be carefully defined, but the idea with which the scheme has been framed, is that it would be fatal to the efficiency and the satisfactory working of the schools, if they should not be as independent as it is possible to make them, and that each school should be locally managed by a body having the confidence of those concerned. As long as they carry out the provisions of the scheme, they must be self-governing schools, but at the same time there must be some central authority to compel them to carry out those provisions.

The next question is—what are the purposes of these endowments? There is other public provision for elementary education. There is no suggestion that these funds should be applied to university education. They were originally intended for grammar school or intermediate education. They are still needed for that purpose, and there has been no objection to our conclusion that they should continue to be applied in that direction. Further, we find them, from the earliest date, applied to the maintenance of a limited number of large schools educating both boarders and day scholars. Really efficient intermediate education can be best given in a large school, and the scheme has been framed with a view to prevent this sum of—say £1,500 a year—from being divided into such small portions that no appreciable benefit would accrue to any individual school. If small schools were in upon the endowment it would not suffice to induce what we believe to be desirable, namely, the permanent provision for maintaining at least some first-class schools in this country.

Then comes the very serious question—what is the geographical area within which this property should be applied? The Commissioners of Education in their scheme suggest all Ireland. They want to divide it among four schools, of which they are to appoint the masters—one in Meath and one in Leitrim—each under a Roman Catholic master; one in Donegal, under a Presbyterian master, and one in Armagh, under a master of the late Established Church. No one has yet advocated the adoption of this plan. Another proposal is to extend the area proposed by us by bringing in Antrim and Down, and there is a proposal to bring in the whole of Londonderry also. On the other hand there are proposals to leave out Monaghan, and to leave out part of Donegal, and to leave out that part of Londonderry which we had proposed to include. The proposal in the scheme we arrived at in this way. We found in the ancient charters and statutes that sometimes the dioceses of the bishops to whom authority was given, and sometimes the counties in which the schools were situated, were chosen as the areas to which the benefits of the endowments might be extended. By including Monaghan, the whole of which is in the diocese of Clogher, and the portion of Londonderry which belongs to the archdiocese of Armagh, we arrived at what we thought a fair proposal to put forward, at least as a basis for discussion, and, in adding the county Monaghan, we were, to some extent, influenced by the fact that the only considerable Roman Catholic intermediate school in the diocese of Clogher is in that county, and, if we were to exclude Monaghan, the Roman Catholics of that diocese would have been put to the alternative either of having no school capable of sharing in the endowment or of building a new school in Fermanagh for the mere

purpose of complying with a geographical limitation. I may say also, to anticipate a good many objections, that the scheme appears to have been misunderstood as to the effect of including or excluding Monaghan, as the distribution of the money in no way depends upon geographical considerations.

The next point to consider is, who are entitled to share in the endowments? There is great difference of opinion among the objectors upon this point. From West Donegal we have an objection to any share whatever being given to Roman Catholics, and a claim that the fund is exclusively Protestant. From Fermanagh there is a claim that two-thirds of the money and all the buildings shall be given to the Protestants. From others we have claims for one-third of the fund for Church Protestants, one-third for all other Protestants, the remainder being left for the Roman Catholics. Again the Roman Catholics claim large shares. We have various objections to competing for the money. Some think competition good if the Protestants are allowed to compete among themselves for one share and the Roman Catholics among themselves for the other. Others think it bad altogether, while some object to a division according to numbers and not according to merit. Others object to what they call "scrabbling" for the money, though why they don't use the shorter word "wrestling" for it, I do not understand. Then we have a claim for distribution by population—by the counting of heads, in other words. We thought there was a great deal to be said against that. If these endowments are for grammar school education surely only those who want such education have any claim to be counted. If so, the literate population would be more properly the subject of the calculation than all the inhabitants. But, on the other hand, there was the argument that taking the literate population upon its present basis would be unfair, because one denomination might now have a smaller proportion of literate members than they would have had if they had got better encouragement in the way of teaching in the past, and great changes might take place in the future. On the whole, we thought we ought to look for some practical though elastic test rather than fix the division for all time now. Our proposal in the scheme, therefore, was that there should be three years—a period certainly necessary for preparing, and for endeavouring to get on their legs whatever educational institutions are to succeed in these districts—during which the funds should be equally divided between Catholics and Protestants, giving both a fair start. At the end of that time each locally where the schools have so long existed should be secured in the possession of the minimum sum which ought to be sufficient to give substantial help to keep up one good school for each denomination, and the rest of the money should be divided according to the work done throughout the whole district. That is really the principle upon which the Commissioners' Acts of Parliament were originally framed, and upon which the endowments ought to have been working up to the present. The migration of pupils from one Royal School to another has been going on for at least a century, and the prosperity of each school in turn has depended to it a larger share of these endowments, while the Acts of Parliament actually provide that any money not wanted for one school may be transferred to the other. Upon the question of division between the various religious denominations we are anxious to hear what is to be said, and we approach it without any bias. It is, however, right to say that the extreme claim that these are exclusively Protestant endowments is not consistent with the scheme of the Commissioners of Education, with the report of 1886, with the report of 1888; nor, in fact, with anything in the history of the schools so far as we can ascertain. The last appointment to a Royal School was an appointment of a Roman Catholic master, and if our Act has been passed upon the basis of the

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previous Parliamentary reports, it would appear to require a good deal of argument to satisfy us that we ought to rest on a principle of exclusion which, up to the present, so far as we can know, has never been pressed. It will be found in all the documents to which I have referred that those endowments originally granted by the King, have been treated as open to all denominations. If so, all persons ought to have an equal share in them, who belong to the class for which they were intended. But we are not prepared to say that that class includes the whole population. It is only those who want grammar school education for whose this particular benefit was really intended.

Next comes the very important question, how these endowments are to be managed in the future? At present they are managed entirely from Dublin. We propose that, subject to central control, they shall be entirely managed locally. At present they are under the management of a mixed body. We propose that they shall be managed, educationally speaking, by denominational bodies. To that proposal we have got only one objection. The Methodists alone object to our scheme as a departure from the principle of the National Board—of united secular and separate religious instruction. We will hear them with all due respect, and perhaps they may be able to satisfy those interested that schools such as these can be satisfactorily conducted, or can become successful on that principle. With that exception, everybody agrees that the Roman Catholic schools should be managed exclusively by Roman Catholics. The Roman Catholics say that they won't have anything else, and although many Protestants have declared their willingness to join with them, they do not seem to see their way to compelling them. But there is a question about the Protestants. Should there be but one Protestant Board, or more than one in each district? We received a great deal of local evidence on this point at Carran, Enniskillen, Raphoe, and Dungannon; and we have got more than evidence, for all denominations of Protestants in those localities before we came there had actually formed united committees to press their claims, and to set together in managing whatever endowments those claims might secure for them. In Armagh, on the other hand, there was a considerable body of testimony from the Church people not only that in Armagh they wished to keep the school for themselves, and to have a separate share of the endowments for themselves, but that they thought the same principle should prevail everywhere. We found it difficult thus to subdivide the Protestants. In the first place we find many schools established successfully where all the Protestants work together, and we have not met a single instance of what I may call a sub-denominational school being recently established in the whole of Ulster. Again, if we form more than one Protestant Local Board how many are we to have? There is one large body of Presbyterians, but there are several smaller ones, and there are the Methodists to be considered; and in every district there are many Protestants of other denominations than that which is such in most numerous. The scheme, however, contains a power which seems to have been overlooked in some of the objections, by which though in each case in the first instance a joint board representing different denominations of Protestants is formed, they may voluntarily divide, and if they wish, may fall in with those of their own denomination in other districts. But if in Carran, for example, it proved impossible for the separate denominations each to maintain a school of their own, and all wished to work together, we do not see up to the present why, if the Armagh people wish to act separately, they should be allowed to force their system upon Carran. Therefore the scheme says that they shall have a joint representation in the first instance, with power for any one board, or part of a board, or for more than one board, to administer the shares of the several

denominations in the endowments separately through their own representatives if they think fit, but we do not propose to compel anyone to do so.

The next question is in reference to the management of the estates, which at present seems to be costly and inefficient. We thought that those people who can enjoy the money should have a direct interest in and control over the estates, and we propose to appoint a joint committee in each district, giving it a direct pecuniary interest in collecting the rents. Several objections are put forward to that. Some prefer independent agents, some prefer leaving it still with the Commissioners in Dublin, and some, curiously enough, want to manage the estates on denominational principles, though how one tenant is to be dealt with by two boards I do not at present see. Of course the scheme provides for the appointment of agents, to whom the actual working of the estate would probably in most cases be left, but there is a good deal of evidence from the present agents, that the interference of the Dublin Commissioners in dealing with tenants was more mischievous than useful, and we therefore thought those on the spot would better perform the duties of landlords, especially when their own incomes would depend on their efficient management.

The next question is the conditions to be fulfilled by the schools sharing these endowments. A good many objections relate to this part of our scheme, and will require careful consideration. Our idea was to prescribe such conditions as would secure and confine the benefit of these endowments only to a limited number of considerable schools doing real intermediate work. As to the tests of "real intermediate work," we feel that we have received valuable assistance from the objections. The list of considerations in the scheme is undoubtedly not complete. Any test which proves that a school has prepared a pupil for a calling requiring a liberal education, ought to establish its title to have given intermediate education, and consequently its claim to share in these endowments. Whether a young man is prepared for Maynooth, or for Wexford, or Santham, or for the Indian Civil Service, or for any other calling where he must display genuine "grammar school" instruction, his school should be recognized as having done its duty as an intermediate school, and it is our wish to make the test as general and complete as possible, at the same time taking care that it is sufficiently stringent.

There is another proposal which ought at once to be admitted, and which we are glad to see generally put forward, namely, that mixed schools for boys and girls should be recognized. Our Act requires us to extend the benefit of endowments to girls if possible, and we have seen in Belfast and elsewhere several institutions where intermediate education is given to pupils of both sexes with apparently satisfactory results. In many country towns female education is badly wanted, and can be best given in such institutions, and if so given undoubtedly it ought to be recognized.

I now come to really the most difficult of all the general questions. How are we to deal with the school buildings? We lay down the principle that these school buildings are part of the endowment. Whoever is entitled to the endowment has a right to share in the value of the buildings, whatever it may be, and we are bound to utilize them as part of the endowment. Now the claims are various. There is one claim that they shall be handed over free to the Protestant Board. Another is that they should be handed over at a fair rent to the Protestant Boards. The objection to handing them over free is that being part of the endowment they should be taken into account for the benefit of all in the same way as any other portion of the property, and if one denomination takes one of these buildings they ought to be treated exactly as if they had got Government stock or a part of the assets of equal value. A serious question for anyone desiring to take them is, whether it is prudent to take them remembering that as a whole they have several times

fully utilized—that they require an enormous amount of expenditure to maintain them, and that they are quite unsuited to the local wants of the towns in which they are situated, being principally intended for boarding pupils. These are matters, however, for the parties themselves to consider, and of course it is only fair that if any denomination desires to invest in these buildings, means should be provided for ascertaining their fair value. Some objections to the scheme say that it would leave the possibility open either of their being sold at a sacrifice, or of those who wished to keep them for the sake of their historical associations being forced to pay an exorbitant price. No doubt these objections have a good deal in them, and they will receive full consideration at our hands. It would solve this problem if the parties interested in each case could make up their minds as to who wants the buildings and what would be a fair value to put upon them, and let the matter be settled in the scheme, but we can hardly do this except more or less by consent—that is, unless both parties are satisfied as to the destination of the buildings, and that the terms are fair to both on which either is to get them. We have had a communication from a public department who want to get the Dungannon buildings, and some people think the money would be more really beneficial than the buildings for local charities both there and in Enniskillen. In addition to the buildings we must deal with the lands comprised with them, and see whether they can be made available for school purposes profitably or not. On all these matters we should be very glad, indeed, to get the fullest help; and if the parties can come to such an understanding, as I think in many cases they might come to, as to which of them wants the school houses and what they think should be allowed for them, we should be most happy to carry out any such suitable arrangement. Take the case of Cavan. There the Roman Catholics have a very fine building, St. Patrick's College, at Cavan, which is not fully occupied; and there is the Queen Royal School, nearly empty, close by. Those who have already got St. Patrick's College on their hands might not care to have the Queen Royal School besides; and the Protestants would probably give fair value for it rather than build or buy other premises. Again, in Enniskillen, the Roman Catholic Bishop of Clogher has got St. Macartney's, while, on the other hand, it would be fair the Protestants to consider, if they get Portlaoine, whether they could keep it up, or whether their share of the amount of money that it would fetch, if sold, would not provide them with a building more suitable to their needs and wants. Can we not ascertain what both parties think would be the present market value if put up for sale, and let the refusal of the buildings at that value be given in each case, for we should much prefer keeping them for schools than turning them to other uses. Of course treating these as part of the endowment, the local body in each case should be entitled to credit for half the price as belonging to them, and shall, subject to a proviso to which it is not necessary now to refer in detail, with reference to the fact, that in some of these buildings at least, there are portions which were built with the private money of dignitaries of the church, and at the time had the exclusive enjoyment of them. In such cases it would be unfair to divert the property so created from the denomination to which the donor belonged, and on the faith of the school continuing to belong to which he spent his money. We consider, not that the money is now a charge on the building, but that where any portion of a building can be now shown to have been built by private benevolence, the portion which it now bears to the existing value of the whole of the buildings should be regarded as a private and denominational endowment, and taken into account as such in the value of the existing buildings. A claim has been put into the scheme to that effect, and nobody has objected to it.

The last matter with which I have to deal is a serious one enough—the case of the vested interests. I can only say that we will in each case be glad to hear any evidence that may be offered in support of the claims put forward, we must require each claimant to tell us really what his claims are, we will treat him as if this was the hearing of an arbitration, and we will try to find out whether each of the head masters wants to retire, and if so, how much he would consider a fair retiring allowance, but he must show us what the value of his place is. The Act of Parliament requires us to save his interest or to make due compensation. We have power to give what we think due compensation, and if the claimant does not think the compensation adequate, he can bring the matter before the Privy Council, but he must remember that we cannot be forced to a compulsory purchase on terms which would be unfair or unjust, or more injurious to the future efficiency of the endowment than saving the existing interests would be. I should mention that the vested interest of the head master in the case of the Armagh School has caused much difficulty; it is exceptional, and the scheme is much objected to with regard to it. Armagh is at present an efficient school, and Dr. Moore Morgan has been nearly twenty years less time in office than the youngest, and more than thirty years less than the oldest of the other masters. His vested interest is subject to the obligation of continuing to perform his duties with the efficiency with which he is now, and may for a long time be able to do so. But the amount that would, in my fair view of his case, be equivalent to his vested interest would be so large that we found it really impossible for us to pay him off or bring the scheme into immediate effect in Armagh, as we propose elsewhere. I mentioned this by way of explanation of a point which does not seem to be understood by some of the objectors. It was the large value of the vested interest—which we could not get rid of except by paying due compensation—which was existing in Armagh which forced us to propose an arrangement for continuing Dr. Moore Morgan's services on exceptional terms. Finding the vested interest there we believed that we were making the best bargain we could for the Armagh endowment, and not merely for the Protestant Local Board. If Dr. Moore Morgan is to continue to receive his emoluments, there is no object in relieving him from duty; we therefore propose that until Armagh school falls into the provisions of the scheme it shall continue as it is, and we have endeavored in the meantime to make a temporary provision for the Roman Catholics of Armagh out of the other funds.

I have occupied a long time in going through the various points to be dealt with, and it now remains only to state what we think the natural and logical order of dealing with them. The first matter is to hear what is to be said as to the geographical area to which these endowments should belong; next to consider who is entitled to the benefit of them and in what proportion within that area; and thirdly, to what class of education and to what class of school should their benefits be applied. On the area question, we will consider about Monaghan, Lonsdownerry, Ulster, and all Ireland, if anyone puts forward that proposition. When we have settled that, then we will settle the questions—are the Roman Catholics to receive anything, and if anything, how much? Upon what basis are the various denominations entitled to have their shares divided? Are the Protestants to act together, or to have separate shares and sub-denominational boards? Then what is to be the class of education? How are the schools to be classified; and how are their work and claims to be tested? When we have disposed of those points, then we must discuss how the schools and the endowments are to be managed. If locally and denominationally, how are the governing bodies to be framed? With this question, the reconstitution of the supreme body, the

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Commissioners of Education, will be connected, and also the smaller matter of the management of the estates. Then we will discuss the subject of the buildings; and, lastly, we will go into the matter of the vested interests.

The smaller matters of the Banagher endowment, which is in a very unsatisfactory state, and the Carysfort endowment, may be treated separately. We have an important proposal from Archbishop Walsh to widen the area of the Carysfort endowment, and we shall be glad if he can help us to satisfy the people in the Wicklow mountains, who now have the property, that it should be brought down to the plain. These matters we can take up at any time convenient to those concerned.

That will complete the whole inquiry; and now that we are going to begin it, I must say a word or two for myself, and my brother, Lord Justice Naish, which is ought not to be necessary to say at all. It is that our duties are purely judicial. We have to consider the sentiment of this Draft Scheme just as we should consider any case in the Court of Appeal, having regard to the provisions of our Act of Parliament, and to the settled law of the country with regard to the administration of charitable endowments. What our own individual opinions or wishes may be can have nothing to say to our decision, and we should be violating our duty if we allowed such considerations for a moment to weigh with us. We have to acknowledge having been treated to a good deal of strong language, and on having received a good many communications disclaiming charges stated to have been made against us, I wish our advocates and critics had answered one another instead of sending their observations to us. I didn't read either side; and I shall do my best to dispose of these matters on just and legal principles, and I am quite sure that my colleague will do the same. If anyone thinks we fail in our duty he can go to the Privy Council, which can send the Scheme back to us, if not satisfied with our decision. If anyone is still unsatisfied, he can appeal to either House of Parliament to pass a resolution to set us and the Privy Council right. Therefore there is a thorough check upon the Commission, but our experience up to the present has, I am glad to say, been very encouraging, and, following the course which the law prescribes for us, we are not without hope that these Royal Endowments, now almost absolutely useless, though not of large value, may be so used as to give substantial assistance in promoting healthy and independent action on the part of those to whom they belong, and that they may become beneficial, not as the sole support of any school, but as substantial aids to the efforts of energetic people to establish and maintain really useful schools such as their different localities require. Now we will take up the question of area, and the objections dealing with that question.

Mr. Atkinson, Q.C.—I appear for a committee of all the different sects of Protestants in the Fermanagh district, who by their co-operation and the moderation of their views, I should hope would found a claim for a favorable hearing. It appears to me and to others interested, that we are placed in a position of difficulty by the fact that the compensation is not determined beforehand. Supposing the minimum grant to the Protestant Board of Fermanagh to be £200 a year exclusive of the compensation of their present master, even with a minimum grant of £200 a year, we might feel ourselves in a position either to bid for or to take at a rent Fermanagh school, whereas if the minimum grant was only £100, or £50 a year to which it might be reduced if anything like the demands put forward in respect of vested interests were acceded to, it would be folly to have anything to do with such an extensive fabric as Fermanagh. Therefore I submit that the better way would be to ascertain if possible the amount of compensation which would enable us to determine in each instance the amount of the endowment dis-

posable, and to determine what course we could best take under the circumstances.

10170. Lord Justice Naish.—That would entail a considerable postponement. We must hear the claims in relation to these vested interests, and then consider them.

Mr. Atkinson, Q.C.—The other course presents no considerable difficulty. There are several facts which have been mentioned which were unknown to most of us. They were extracted from reports of the Educational Commissioners which were not open to public inspection.

10171. Lord Justice Naish.—It would not be possible for us, with the materials now before us, to put a figure into this scheme in regard to the vested interests. We would have to go through every one of the cases and hear evidence in relation to each. But how would the granting of compensation affect the question of the area, within which the endowment should be applied, or the question of local boards?

Mr. Atkinson, Q.C.—I do not say that it will be upon the question of the fabric it will have a new important effect.

Mr. R. P. Corbett, Q.C.—I appear for the Bishop of Clogher, and therefore I represent the Roman Catholics of the Fermanagh district, and my view are the same as those of Mr. Atkinson. It appears to me that we won't know what we are doing until we know the amount of the endowment at our disposal.

10172. Lord Justice FitzGibbon.—I have told you the amount of the endowment.

Mr. Corbett, Q.C.—Yes, but until we know the amount of compensation we do not know what will remain.

10173. Lord Justice Naish.—How does that affect the question of area, or what ought to be done with the buildings?

Mr. Corbett, Q.C.—It might very much shorten the work of the Commission, because if we definitely knew the amount of money available for the district, the ground might be cleared of a good deal of the matter in controversy.

Mr. Bessley, Q.C.—That would be adjourning the general question until the next sitting, or sometime afterwards.

10174. Lord Justice FitzGibbon.—Furthermore, the compensation to be given in every case might be altered by the Privy Council, and Mr. Corbett and Mr. Atkinson might be dealing with the scheme on a basis which would ultimately be changed. We consider carefully the order in which we would take these different questions, and we think the order I have mentioned presents least difficulty.

Mr. Bessley, Q.C.—I represent, on this branch, the Diocesan Councils of Armagh, Clogher and Derry and Raphoe, and I have some observations to offer on the question of area, but I have also general observations on all the other parts of this scheme, and I think it would be more convenient if you would allow me to open all these objections together, as they are very much in the same order as mentioned by Lord Justice FitzGibbon.

10175. Lord Justice Naish.—Then take the question of area first.

Mr. Bessley, Q.C.—On the question of area we submit that no sufficient reason has been shown why the endowments should not be confined to the particular counties in which the schools are situate, nor for including the portions of Managh and Derry, which have been introduced. Section 13 of the Act provides "that the privileges and educational advantages of the inhabitants of a particular area shall be regarded." The spirit of the founder's intentions is not less to be regarded because the founder happens to be a Royal founder. The Royal Charters and Grants are in every case connected with the counties.

10176. Lord Justice FitzGibbon.—What is your

authority for the statement that these Royal foundations are in every case connected with counties?

Mr. Bewley, q.c.—I took the statement from your lordship. You stated that in certain cases that appeared to be so. I have not materials for referring you to the cases in which they were connected with counties specifically.

10177. Lord Justice FRYGUESON.—You have the same materials that I had, and if you ask us to give weight to the intentions of the founders, you ought to give us evidence of that intention.

Mr. Bewley, q.c.—At any rate, we have not any evidence that it extended to Derry.

Lord Justice NAUGHTON.—The portion of Derry in question belongs to the diocese of Armagh.

Mr. Bewley, q.c.—I represent the Diocesan Council of Derry, and they don't want it, they don't ask you to introduce any part of the County Derry at all. They are content that the endowment should remain with us; and the case lies upon the party seeking to extend the area to show that there are good grounds for the extension.

10178. The Rev. Dr. McLELLAN.—What do you mean by "extending the area"? Extending it beyond what?

Mr. Bewley, q.c.—Beyond the counties in which these schools are situated.

10179. Why do you say that it should be restricted to the county? What is your ground for saying that in the founder's intention it was not connected with the diocese, but was connected only with the county?

Mr. Bewley, q.c.—I say that each school is established for a particular county.

10180. Why county and not diocese?

Mr. Bewley, q.c.—Why any part of Ireland?

10181. Why the county?

Mr. Bewley, q.c.—Because it is a territorial division.

10182. The diocese is also a territorial division.

Mr. Bewley, q.c.—It was a territorial division, but it is no longer a territorial division.

10183. It is so as much as it ever was. But it is the founder's intention that you say we ought to go by, and how do you show that the founder's intention was not to extend it beyond the county?

Mr. Bewley, q.c.—The estates are in a particular county, and there is no more reason for extending it beyond that to all the parishes in a particular diocese than there would be for extending it to every town in the county.

10184. Lord Justice NAUGHTON.—If it was given to the Archbishop of Armagh to administer, would that be evidence that the area was the diocese?

Mr. Bewley, q.c.—There would be some reason in that case.

But that is what occurred, for in the letter of James I. to the Lord Deputy in 1612, and the statute of 14 and 15 Charles II., the diocese are clearly stated as the areas intended to be benefited.

Mr. Bewley, q.c.—In reference to Monaghan, the fact that there is a successful school in Monaghan does not seem a sufficient reason.

Lord Justice FRYGUESON.—The reason is that Monaghan is all in the diocese of Clogher.

Mr. Gorton, q.c.—It lies upon Mr. Bewley to show that the adoption of the diocese as the area is contrary to the spirit of the founder's intention. The evidence is quite the other way from the earliest times to the present. I refer to the letter of January 30, 1612, from James I. to the Lord Deputy. James I., the earliest monarch who endowed these schools, directs the lands assigned for the "endowment of several free schools, and maintenance of schoolmasters, for the increase of learning and good manners," to be conveyed to the archbishops and bishops within whose several dioceses such lands had been allotted, "as men to whose function and quality it is most proper to be careful, and always

sacred to the furtherance and improvement of such good works." Then he directs that the archbishops and bishops in whose dioceses these schools were should have the nomination of the masters, and I find claims still put forward by the Archbishop of Armagh to the appointment of the masters of Armagh and Dungannon. Again section 2 of the Act 14th and 15th Charles II. remains in force though the vest is repealed by the Statute Law Revision Act of 1878, and that provides for the shifting about of these schools within the dioceses with the consent of the bishop. Mr. Bewley's contention pushed to its logical extremity would confine the area to the parish in which the school was as well as the county. The inclusion of Monaghan is the most convenient course, and, on behalf of the Roman Catholic Bishop of Clogher I entirely support that portion of the scheme.

Mr. Atkinson, q.c.—I object to the inclusion of the county Monaghan in the Fermanagh district. I have not had the advantage of having seen this letter of James I. nor the statute of Charles II., but so far as the charter is recited in the draft scheme it appears plain that "it was directed by His Majesty that there should be one free school at least appointed in each of the counties of Armagh, Tyrone, Donegal, Fermanagh, and Cavan." I say that it concludes that these different lands were dedicated for the maintenance of these schools in these particular counties, each school having allocated to it certain land within that county. "By Letters Patent, dated April 29, 1616, it was directed that the lands assigned in the Plantation of Ulster for the maintenance of the grammar schools in that province should be conveyed by grant from the Crown to the Archbishop of Armagh, that by him they might be distributed and allocated in form of law to the several schools as he should think fit, and the distribution of the said lands was committed to the said Archbishop as the person best able to select the most apt places for the establishment of such grammar schools." He selected the places and established the schools, but it does not appear that the archbishop had ecclesiastical jurisdiction over them, or that he was enabled, from time to time, to alter the area, on the contrary it appears that the allocation of the land was made once and for all, and not on the diocesan plan at all. The bishop and archbishop dealt only with the land, and it would be in the area of the archdiocese or of the county. The diocese does not appear to be introduced as the area at all. I am not aware whether in the several charters any jurisdiction is given to the respective bishops of the different dioceses.

10185. Dr. TRAILL.—Is not the archdiocese the province in these letters patent?—The Archbishop of Armagh has ecclesiastical jurisdiction, not merely in the diocese but the whole province.

Mr. Atkinson, q.c.—The schools were originally given for the entire of the province, and the Archbishop was expressly selected as the ecclesiastical head of the province.

Lord Justice FRYGUESON.—The "province" is Ulster, not the archiepiscopal province of Armagh. The letter of James I. January 30, 1612, speaks of "lands within several counties for the endowment of free schools, of the increase of learning and good manners in those parts where the same are so much wanting, and of the King's having made choice of the archbishops and bishops within whose several dioceses those lands were allotted." And he gives powers "unto the several bishops for the time being severally over so much of the said lands as are contained within the bounds and limits of their several dioceses and jurisdictions, thereby enabling the said several bishops and their successors to let the said lands within their several dioceses for ever."

Mr. Atkinson, q.c.—That is the letter of 1612, but the charter is the document that you have to construe and that bears date April 29, 1616. When

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the matter came to be carried out in the patent determining the rights, there is an entire departure from the letter of the monarch to his Lord Deputy, and there is nothing in it which shows that the diocese was the basis either of jurisdiction or of endowment.

**Lord Justice Fitzgerald.**—In 1818 the Kingspeaks of "the Lord Archbishop of Armagh, to whose diocese we thought fit to commit the distribution of the said lands, as well in regard of his approved fidelity, wherof we have had long experience, as also in respect that the ecclesiastical jurisdiction of that province belonged principally to his charge, and therefore best able to inform himself of the most apt places wherein it is mete to have grammar schools established."

**Mr. Atkinson, q.c.**—The only two divisions referred to are "provinces" and "archdioceses," and they are equivalent terms, inasmuch as he has jurisdiction over the province.

**10186. Dr. TRAILL.**—They are not equivalent terms. The province of Armagh includes every diocese north of a certain line.

**Mr. Atkinson, q.c.**—Neither as the limit of jurisdiction nor as the limit of endowment are the dioceses mentioned at all, as far as I can see.

**Mr. Corbett, q.c.**—That is not so at all, the patent—and it coincides with what actually did occur—contained the direction to establish a school at Lisgole, &c., or at any other places that the Archbishop thought fit. Some of the schools were afterwards transferred.

**10187. Dr. TRAILL.**—Is it not a fact that the transfers were to other portions of the same county?

**Mr. Corbett, q.c.**—No, of the same diocese.

**Dr. TRAILL.**—It was always within the same county.

**Mr. Bewley, q.c.**—In page 338, of the report of 1886, the appointment of Dr. Bullingbrooke to the mastership of the Free school at Dungannon, by letter of King James I., of May 13, 1614, is in these words:—"With the assent of . . . the Lord Deputy . . . we have resolved to erect one perpetual free school for the county of Tyrone, to be held in Dungannon, and that there shall be a schoolmaster there, at the nomination of the Lord Archbishop of Armagh for the time being, and appointed by us, our heirs and successors." And it provides that the schoolmaster shall have certain lands by way of endowment. But it establishes one perpetual free school for the county of Tyrone.

**10188. Rev. Dr. MULLOV.**—When do you regard as the founder of this endowment?

**Mr. Bewley, q.c.**—The Crown is the founder of course.

**10189.** Then it would be necessary for you to show as that the intention of the Crown was so clear to restrict the endowment to each individual county that it is not competent for this Commission to apply it otherwise.

**Mr. Bewley, q.c.**—I should show in such a case if before the Court of Chancery on the settling of a scheme, the instrument of foundation, the charter or deed, and show the terms imposed by the founder, and how he directed "a school for the county of Tyrone." The area for that school was the area of the county, and not the area of the diocese.

**Mr. Atkinson, q.c.**—I say that the diocese is a purely arbitrary division by this commission, and as far as I have learned from any document that I have been referred to it is selected for the first time as the area of the endowment. The archbishop was merely selected as being the ecclesiastical head of the province in which these schools were to be situated, but the diocese is not either the area of jurisdiction or of endowment. What would otherwise be the meaning of allotting lands in each particular county for the school erected there?

**Mr. Bewley, q.c.**—In another passage John Bullingbrooke is appointed to teach and instruct the youth of the county of Tyrone both in good literature, and the principles of true religion.

**Mr. Atkinson, q.c.**—If it was intended that the

diocese should be the unit of endowment, embracing, it may be five or six different counties, how is it that the counties or portions of counties which go to form the diocese lying outside the boundaries of the particular county in which the school is erected is not contribute at all towards the endowment. Monaghan did not at any time contribute to the endowment of Eniskillen school. The whole structure of the foundation is based upon this, that each county shall contribute to the endowment of the school erected within its boundaries. Of course, incidentally, the schools might confer benefits upon other localities; but the primary object of each particular school was to secure the benefit of education for the inhabitants of a particular county, making that particular county contribute to the institution established there. Up to this time there was no inter-communication in matters of education between Eniskillen and Monaghan. There is a great degree of union in between them, and except for the purpose of enabling the university in the town of Monaghan to participate in the endowment of the county of Fermanagh, it is difficult to say why there should be any connection between the institutions originally founded in Fermanagh, and this one founded by the energy and contributions of the Roman Catholic population of Monaghan. My clients, the Protestants of all denominations in the county of Fermanagh, feel that this additional area was in no way in the original grant, and if linked with them it will extend a great deal from the fund intended for the endowment of Eniskillen school.

**10190. Dr. TRAILL.**—Was there not an endowment provided for the county of Monaghan by the diocese free school there?

**Mr. Atkinson, q.c.**—Yes, and in Fermanagh there was no diocesan school.

**Mr. Corbett, q.c.**—I wish to refer you to the Act 14th and 16th Charles II. The 2nd section still remains in force, and it directs the removal of the free schools from one place to another within the same dioceses if more convenient. The Statute Law Revision Act, 1878, expressly states that the portion relating to free schools is not repealed, and it shows the intention of the founder, Charles II. and his Royal progenitors, which would include James I. and Charles I., to have been that the diocese should be the area; and that each of these schools might be removed to any other and more convenient town in the same diocese.

**10191. Dr. TRAILL.**—In quoting the intention of the Royal founders you seem to have quoted one part of the intention only. Clearly it was the intention of the founders to give them to one denomination at that time.

**Mr. Corbett, q.c.**—I am not concerned with that at present. Mr. Bewley started with the assumption that the founders intended that the area should be the county and not the diocese. I say that the Act of Parliament shows that it was the diocese and not the county.

**Mr. Bewley, q.c.**—It must be remembered, too, that they were dealing with the plantation of Ulster, and that Monaghan was outside the limit of the plantation.

**10192. Lord Justice Fitzgerald.**—At this present moment could the Lord Lieutenant and Privy Council move Portora School from Eniskillen to Monaghan?

**Mr. Atkinson, q.c.**—Possibly he might.

**10193. Lord Justice Fitzgerald.**—Is not that the point?

**Mr. Atkinson, q.c.**—No. I strongly rely upon this statute because I regard it as a statutory authority to enable them to remove the school from one part of the diocese to another, whereas if they were Royal Diocesan Schools it would not have required a statutory authority to do so at all; the fact that it required a statute and the consent of the Lord Deputy to change a school from one part of a diocese to another is proof conclusive that it was never contemplated that the school should be for the diocese and not for the

county. If this be a statute to enable the Lord Lieutenant to override the intentions of the founder—to do by statute that which without statute he could not do—that must be done with the consent specified by the statute!

10194. Lord Justice NASH.—If the effect to be given to the intentions of the founder has been altered by statute, and particular reasons have arisen to render it expedient to change the school to another town in the same diocese, can't we act upon the principle of the statute?

Mr. ATKINSON, Q.C.—No, because it only enabled the Lord Lieutenant in certain events, and under certain circumstances, to remove the school.

10195. Lord Justice FRANKLIN.—What are those events?

Mr. ATKINSON, Q.C.—Events which never took place. The recital of the Authorisation provides and churches, and the second section deals with schools and houses together; therefore the recital throws light upon the object of the statute.

10196. Rather a diocesan light?

Mr. ATKINSON, Q.C.—I quite admit that while it was in force, they might have either retained the previous statutes and charters or altered them. But they have left them untouched.

10197. The only provision in our Act bearing upon this question is the direction to have regard to the intentions of the founder, but under the statute of Charles II. any of these schools may be moved to another part of the diocese. The only question for us, therefore, is whether there is sufficient evidence of convenience to justify the extension of the benefits of the endowment over the diocese.

Mr. ATKINSON, Q.C.—The fact that at a particular time powers were given to the Lord Lieutenant to override the founder's intention in the case of a particular institution does not alter that intention, and does not leave you at large to deal with it as you please. The Act refers to diocesan schools, and it might be perfectly right to remove a diocesan school from one part of a diocese to another.

10198. Dr. TRAVERS.—Is there any part of the Act which shows that it deals with these Royal Schools?

Lord Justice FRANKLIN.—The diocesan schools were not founded by James I., and the Act 14 & 15 Charles II. extends to the schools founded by Charles II., and his "Royal progenitors." Those were what are still called the Royal School of James I., Charles I., and Charles II., and if the existing law to-day is that the Porten school may, if convenient, be removed to Monaghan, what right have we to take away that advantage from the Monaghan people?

10199. Lord Justice NASH.—And have we not a right to put that power into operation, if we see fit, for the benefit of people who have now no advantage from this endowment?

Lord Justice FRANKLIN.—I should like to ask a question. There is evidence both ways on this matter. They are spoken of as schools for the province, for the counties, and for the diocese. If all these areas were open to discussion, on the question of expediency, have you anything to say?

Mr. ATKINSON, Q.C.—There is nothing more independent my clients think, than that the Eniskillen School should be removed. I say that all the circumstances point to that view. I dare say it is extremely expedient for those interested in St. Macartin's Seminary.

10200. Lord Justice FRANKLIN.—St. Macartin's Seminary is at Monaghan, and there is no similar intermediate school in the County of Fermanagh or the Diocese of Clogher. Are the Roman Catholics entitled to the same share of this endowment as other inhabitants of Fermanagh?

Mr. ATKINSON, Q.C.—My clients do not wish me to contend that they are not.

10201. That being so, how is it most expedient to treat the scheme?

Mr. ATKINSON, Q.C.—We say that you ought to keep it in the county, because your object should be to make the schools, wherever they are established, large and efficient, and not to have the endowment split up into parcels so small that they would be really worth nothing. The two schools if established would not be first class schools, and the result of this scheme must be that the endowment that is really only fit for one school will be split up into two, and the cause of education will not be furthered.

10202. Then on a question of geography you would leave the Roman Catholics practically without any school?

Mr. ATKINSON, Q.C.—If Monaghan must be attached to some other place, why should it be attached to Fermanagh in preference to any other place?

10203. It is not connected with any other place.

Mr. ATKINSON, Q.C.—What about Carrin? Carrin is in the Diocese of Kilmore, and has its own Roman Catholic Diocesan Seminary.

10204. Rev. Dr. MOULTON.—The object of the Commission is to extend the usefulness of endowments. If it is open to us to take in Monaghan as well as Fermanagh, can you show us that we should extend the usefulness of this endowment better by confining it to Fermanagh, than by taking in Monaghan?

Mr. ATKINSON, Q.C.—I think so for the reasons I have stated. If I argue upon the minimum grant to be given to Porten, I say it will simply starve it. The idea of its being maintained by £100 or £150 a year is absurd. It could not exist on those terms. It is better to establish one efficient school in Porten, which is the fabric best known in the past as a Royal School house. The funds are not more than sufficient properly to endow it; but to divide the endowment amongst different seminaries, and to give it to one that has been doing very well without it, and to take it away from the other that cannot exist without it, is practically destroying the school in this particular place. If you have regard to the compensation that must necessarily be paid to the present head master, there won't be for the entire endowment more than £700 or £800 a year altogether, and that, or at least the greater portion of it, will be necessary for maintaining this school in this district.

Mr. HOBERTON.—I appear on the part of the Methodist conference, and I am instructed to urge their objection against adding Monaghan with Fermanagh. In addition to what has been said already, I have only to say that the addition of Monaghan would be very prejudicial to the interests of the Methodists, for Fermanagh happens to be one of those counties in which their body is most numerous, whereas they disappear almost altogether in Monaghan.

Mr. ORR, Q.C.—I appear on behalf of the Commissioners of Education, and upon this point of view I am instructed to state that if the scheme of the present Commissioners or any amendment of it was to be confirmed, they would not have any objection to the area proposed in the scheme. They do not object to the inclusion of Monaghan. They have submitted a scheme of their own, which it was thought would practically work for the benefit of the whole of Ireland, but they found that by no possibility of management could one scheme be made to agree with the circumstances of every case, and as they felt they might be standing in the way of a satisfactory settlement they preferred leaving it to your lordships.

10205. Lord Justice FRANKLIN.—Would they object if the area of Ulster was introduced, taking in Antrim and Down?

Mr. ORR, Q.C.—I am instructed to approve of the scheme as it stands—to accept it as it stands.

10206. Lord Justice FRANKLIN.—We have received objections from Dr. Henry of Belfast, asking an extension to Antrim, and from Dr. Hearn of Londonderry, asking an extension to all that county.

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Are these objections supported by anyone?—[No response.]

The Rev. Professor Maguire.—I wish to say one word on the question of the area over which the Raphoe endowment is to be available. As at present arranged, it is extended over the entire county of Donegal, and it would be much more satisfactory for the Catholics, and more expedient for all parties interested, if it were confined within the limits of the diocese of Raphoe. And for this reason, that there exists at present in the diocese one pretty efficient Catholic school, and the small share of endowment to be apportioned to them would not enable the Catholics of the county to establish a second. If the parishes of Inishowen, which is geographically disconnected from the diocese of Raphoe, is to be included within the area to participate in the endowment, then a school may be established after a time in Bannagh or some other place outside the limits of the diocese, and might qualify under the scheme for participation in the grant for a time. That of course would impair the efficiency of the existing Catholic school by curtailing its revenues, and therefore we wish that the endowment should be confined to the diocese, and we think that there would be no serious opposition to that arrangement from any side.

10207. Lord Justice NABES.—That is to say, that Inishowen should be excluded from the area?

Rev. Professor Maguire.—Yes, it is, geographically and otherwise, distinct from Raphoe.

10208. Lord Justice FRANKLIN.—Is that the only part of Donegal outside the diocese of Raphoe?

Rev. Professor Maguire.—Substantially, yes. There is a small portion of the remaining part of the county in the diocese of Derry, and a very small portion in the diocese of Clogher.

10209. Professor DOWDNEY.—Do you think that the people of Inishowen will offer any objection to excluding them from the benefits of this endowment which is intended for the people of Donegal?

Rev. Professor Maguire.—Greater facilities are offered to the people of Inishowen in Derry.

10210. But Derry unfortunately derives no advantage from this endowment.

Rev. Professor Maguire.—I have stated my contention and I don't think there will be any strong opposition.

Mr. John Ross.—I appear for the Diocesan Council of Kilmore, and I also represent the entire of the Protestant population of Cavan, and we strongly support the scheme so far as the question of area is concerned.

10211. Dr. TRAILL.—Are you instructed upon behalf of the Diocesan Council of Cavan to give any opinion outside Cavan?

Mr. Ross.—I am instructed to support the scheme as it stands.

10212. Have you been definitely instructed upon the question of Monaghan and Fermagh?

Mr. Ross.—No, I have not.

Mr. Dransfield.—I am instructed on behalf of all the Roman Catholic bodies of Cavan; and those for whom I appear are anxious that the scheme, including the county Monaghan, should remain as far more than one reason. The Roman Catholic Diocese of Kilmore, which includes the whole of the county Cavan, includes a small portion of Fermagh, so that the Bishop of Cavan is to some extent interested in the county of Fermagh. With regard to the last observations of Mr. Atkinson, I respectfully submit that the very opposite conclusions should be drawn to those which he thought it right to suggest so far as regards the utility of these endowments. The whole of the endowment has not been able to keep alive either the Royal School of Cavan or that of Renshaven, and it is perfectly idle, so far as the usefulness of the endowment is concerned, to say that portion of the endowment would keep alive an institution which, with the whole of it at its command, is unable to

sustain itself. On the other hand, to the Roman Catholic College of Cavan and Monaghan even a portion of this small endowment will be of considerable advantage to other of these already existing and even comparatively flourishing institutions. If you equate the Renshaven endowments to Fermagh the Catholics of Fermagh will be forced to erect another similar school to the one in Monaghan, and to depend for the support of a great institution of that kind on the small endowment they would get. It is quite the reverse of what Mr. Atkinson says, and so far from being for the interests of education in this district to confine this endowment to Fermagh, the result of it would be to necessitate the building of an intermediate school by the Catholics of Fermagh, which they do not want.

10213. Dr. TRAILL.—Are you prepared on behalf of the Roman Catholics of Fermagh to give up all claims to the buildings at Portora, provided an educational endowment is given to St. Mary's?

Mr. Dransfield.—I do not appear for the Catholics of Fermagh.

10214. But you are arguing their case.

Mr. Dransfield.—I am arguing it simply because it happens to be exactly similar to the case of my own clients in Cavan, and if the question of the disposition either of the buildings or of the priory in Cavan school comes to be discussed, exactly the same arguments will apply—namely, as to the absence of the utility of endeavouring to keep up another institution alongside St. Patrick's College.

10215. Would you be prepared on behalf of the Roman Catholics of Cavan to give up all claims to the fabric of the Royal School of Cavan?

Mr. Dransfield.—On the contrary we ask that it should be sold, and the proceeds distributed in such way as the Commissioners think right. I shall be able to satisfy the council that it will be impossible to keep it up—

10216. On the other hand it will be useless for the Roman Catholics to take it, because they are already supplied with buildings in St. Patrick's.

Mr. Dransfield.—It may not be utilized, for the endowment could not support it, and the same result will happen in Fermagh if Mr. Atkinson's argument is adopted. My clients do not wish to see started, side by side, two institutions which the two bodies are not able to support. As to the question of including the county Monaghan with Fermagh, as the Commissioners have done, from the three letters of 1612, 1614, and 1618, it is perfectly plain that it was intended that these schools should be under the control of the archbishop and bishops, to be managed in whatever way they thought right.

Mr. John Keele, q.c.—I appear for the Roman Catholic Priests of Armagh, and support the scheme of the Commissioners as regards area. It is quite obvious that the best possible way of acting in accordance with the intentions of the founders is by recognizing, as the Act of Charles II. declares, the diocese as the area for the purposes of each of these endowments.

Mr. J. J. Shaw.—I appear on behalf of the Intermediate Education Committee of the General Assembly, who approve of the scheme. They wish that Monaghan should be included in the Fermagh area, as they think that the school there ought to be encouraged, and that it ought to have a share in the benefits accruing to that area.

Mr. Atkinson, q.c.—The local Presbyterians, whom I represent, are at right angles with the committee for whom my friend appears.

Mr. Shaw.—But you don't appear for the Presbyterians of Monaghan.

10217. Lord Justice FRANKLIN.—If we have equal forces pulling in opposite directions is it not the best proof that the scheme should stand as it is? Is there any other party represented?

Rev. B. Monahan, p.p., Omagh.—I want to

leave out that bit of Derry, and I have nothing to add to the arguments that have been already adduced.

10218. Lord Justice Fitzgerald.—Do you oppose the inclusion of Monaghan?

Rev. Father Macneven.—I have nothing to do with Monaghan. I have only to say to "Derry."

10219. Rev. Dr. Molloy.—You are interested in the Dungannon Endowment. You think it ought to be confined to the county Tyrone?

Rev. Father Macneven.—Yes. I am also interested in the county Donagall, and I wish to say that the statement made by the Rev. Mr. Maguire does not apply to the county Donagall generally. I am asked by some of the clergy, and by some other people, to oppose the restriction to the diocese of Raphoe.

10220. You do not support the exclusion of the county of Inishowen?

Rev. Father Macneven.—Certainly not. I am here to say that there is the strongest objection to that. There are two parishes—one the largest in the diocese, which are not in Inishowen at all, and still belong to the diocese of Derry, part of Donaghmore, part of Urry, and part of Carru.

10221. Lord Justice Fitzgerald.—You want to include all Donegal?

Rev. Father Macneven.—Yes.

10222. Professor DODDINGTON.—Does not the St. Colman's Diocesan College, Derry, do a large part of the educational work for the Roman Catholics of the county of Tyrone?

Rev. Father Macneven.—Not much, I think.

10223. Is not a large portion of the county Tyrone included in the Diocese of Derry?

Rev. Father Macneven.—Yes.

10224. Do not the boys who belong to the diocese of Derry, and who live in Tyrone go to the diocesan school in Derry for their education?

Rev. Father Macneven.—Portion of them. We have a large number educated in Omagh both of boys and girls, as directed by the number sent in for the Intermediate Examinations. On an average twenty from each of the schools are sent in for the Intermediate Examinations every year, and they are the only Roman Catholic Intermediate schools in the county.

Mr. Bealey, Q.C.—We submit that in any case the scheme ought to be consistent, and ought either to adopt diocesan boundaries or county boundaries—if it adopted diocesan boundaries it would not be so bad as at present, but it adopts county boundaries in some instances and diocesan boundaries in others.

10225. Lord Justice Fitzgerald.—That is I think at error. The scheme is consistent. It includes a bit of Derry because it is in the diocese of Armagh, and it includes all Monaghan because it is in the diocese of Clogher, and also in Ulster. If we took in the dioceses together we should go into Leitrim and Connaught.

Mr. Bealey, Q.C.—The county Armagh includes portion of the diocese of Down.

10226. Not much: the apparent inconsistency is susceptible of the explanation, that is the two exceptional instances I have mentioned, we have taken the wider of two alternative boundaries.

Mr. Bealey, Q.C.—It is inconsistent in reference to the intention of the founders, when these schools are shown by the instruments to have been originally established for the counties in which they were placed.

10227. But you will admit that there is some inconsistency in the terms of these documents. On the one hand the areas are spoken of as dioceses, in the other they are described as counties.

Mr. Alderson, Q.C.—In any case I object to finding out the intention of James I., by a statute passed by Charles II.

Lord Justice Fitzgerald.—The next question in order is the basis of the distribution of the money. That divides itself into two branches—first the denominational question, and next the claim of education. On the religious question there are a good many objections which we will take in any way that occurred may suggest.

Mr. Bealey, Q.C.—On behalf of the Diocesan Councils of Armagh, Derry and Raphoe, and Clogher, I object to the principle of distribution. We admit that it is reasonable that the Roman Catholics should get a share of the endowment, but the question is how that share is to be ascertained. Secondly, in reference to the Protestant bodies, these Diocesan Councils strongly object to mixed boards. First, on the question of distribution, you will have the Roman Catholics on the one side and the Protestants on the other. Distribution by population would be unfair when we are from the census of 1871 the number of persons of all denominations, more especially of the Roman Catholic denomination, who are 88,000. The object of these endowments is not to support primary schools, but Intermediate schools—grammar schools. Therefore what we consider a fair test would be to take from the census the number of persons attending the superior schools. I have got a table of statements made out from the census of 1881 of the numbers of children attending superior schools. In that enumeration are included a number of schools put down as colleges. In Armagh there are two schools which are called colleges, but which are in fact giving Intermediate education.

10228. Rev. Dr. Molloy.—These figures represent pupils of the different denominations which attend superior schools in the localities.

Mr. Bealey, Q.C.—Yes, in the counties.

10229. Do they include pupils from the localities going to school elsewhere?

Mr. Bealey, Q.C.—There is no means of ascertaining that. If there were, the proportion of the body I represent would be enormously increased, because a large number of the Protestant youth are now educated out of Ireland, unfortunately, and if we were to take into consideration those receiving education elsewhere, the numbers of our denomination would be enormously increased. The numbers in the county Armagh attending superior schools, as appears from the census of 1881, are—Roman Catholics 515, Church of Ireland 334, Presbyterians 117, Methodists 44, all other denominations 2; making a total of 702. In Fermanagh, the numbers attending superior schools in 1881 are very few altogether. Roman Catholics 0, Church of Ireland 68, Presbyterians 0, Methodists 12, all other denominations 1; that is only 79 in all.

Lord Justice Fitzgerald.—It is a remarkable fact that this, which is one of the smallest counties, and has the largest endowment in Ireland, has a very small number of Intermediate pupils. It is a melancholy fact that the five counties with the Royal School Endowments, stand in the Intermediate education returns far behind almost any other five counties in Ireland.

Mr. Bealey, Q.C.—In Tyrone the Roman Catholics attending superior schools number 158, Church of Ireland 154, Presbyterians 170, Methodists 21, and all other denominations 7, making a total of 400. In Cavan the Roman Catholics number 131, Church of Ireland 82, Presbyterians 20, Methodists 4, none of other denominations, and the total is 217. In Donagall the Roman Catholics number 65, Church of Ireland 45, Presbyterians 48, Methodists 2, and all other denominations 1; total 161. I have had these figures converted into percentages in every case, and we will have of copy sent in by Dr. Morgan, who prepared it from the census. As another test we have the number who passed the Intermediate examinations in two successive years from the five

\* Appendix B, No. LXV., p. 582.

† Appendix B, No. LXIV. (c), p. 580.

‡ Appendix F, No. LXIV. (d), p. 582.

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counties—Armagh, Fermanagh, Tyrone, Carrick, and Donegal.

10232. Professor DOUGHERTY.—Can you tell us how many altogether passed from these five counties?

Mr. Atkinson, Q.C.—Last year 125 Protestants and 25 Roman Catholics from the six counties.

Mr. Bealey, Q.C.—For two years from the five counties 67½ per cent. were Protestants, but there is no means of distinguishing those belonging to the Church of Ireland.

10231. Rev. Dr. MOLLOY.—How do you know the number of Catholics?

Mr. Bealey, Q.C.—The schools are stated in the return.

10233. Do you know what proportion of those who passed the Intermediate examinations came from schools? Because one complaint of the Catholics in these localities is that the Protestants, having all the endowments, they are obliged to educate their children at home by private tutors.

Mr. Bealey, Q.C.—At any rate the result is that 67½ per cent. were Protestants.

10234. Of those that came from schools—that does not include those who came from private tuition. The whole value of those figures depends upon whether they accurately represent the facts or not, and in order that they should accurately represent the facts, it would be necessary that some persons knowing the denominations of the various pupils should have counted up all those who passed in the Intermediate examinations.

Mr. Bealey, Q.C.—We will give you all the materials furnished on the returns themselves.

10234. But those materials are not sufficient to supply the information.

Mr. Curran, Q.C.—They are entirely insufficient.

Mr. Bealey, Q.C.—67½ in 1886 were Protestants, and in 1887 they rose to 77½ per cent., showing 10 per cent. of an increase.

10235. Lord Justice FRANKLIN.—But you don't tell us the total number who passed. We were working this thing out in our office as well as we could for ourselves, and the numbers that we could find to have passed in 1886 don't agree with yours. For example, what return have you for Carrick?

Mr. Bealey, Q.C.—I gave no return at all. I gave a percentage.

10234. Lord Justice FRANKLIN.—Then what is your percentage? We have got only ten pupils passing from Carrick in 1886, eight from the Christian schools at Carrick, one from "the National school, Carrick," and one from a private address.

Mr. Bealey, Q.C.—My first set of figures had nothing to do with Intermediate Education. It was from the census. All that I have at present given you, as to the Intermediate Examinations, is that, in 1886, taking the whole of the five counties, 67½ per cent. of those who passed from schools in those five counties were Protestants.

Mr. Atkinson, Q.C.—We have ascertained that out of the schools in the six counties, 125 Protestants and 25 Roman Catholics passed last year—in 1887.

10237. Lord Justice FRANKLIN.—We have got a return for 1885, and for the whole county of Armagh, taking all creeds, the names were—from St. Patrick's College, Armagh, 5; College-street National School, Armagh, 3; Christian Schools, Armagh, 1; Watt's School, Lurgan, 30; the Academy, Portadown, 3; private addresses, 7—making 44 altogether. If your percentage is based on those figures you are basing your claim to the Royal School endowment, to the extent of nearly 60 per cent. on the existence of Watt's School at Lurgan. Such percentages are no good.

Mr. Atkinson, Q.C.—I am not giving percentages—I am giving the figures ascertained from the schools in these respective localities, not to test the efficiency of the schools, but the relative proportions of the two denominations qualified for Intermediate education, and I say that 125 Protestants passed from those schools and 25 Roman Catholics.

Lord Justice FRANKLIN.—And I am pointing out, in the case of Armagh, that twenty of those Protestants are from Watt's School, Lurgan, which is principally a boarding-school, and, therefore, to that extent your figure is worthless for the purpose of ascertaining how many people there are in the county who want intermediate education.

Rev. Dr. MOLLOY.—But I think that the argument is entirely and fundamentally wrong even as stated by yourself. It is that 125 Protestants, from schools in these counties, passed the Intermediate Examinations, and that only 25 Catholics passed, and your inference from that is that these figures represent the proportions of the two denominations which require intermediate education. You will see the fallacy of that argument. In the first place you take no account of those pupils who, for want of schools and for want of endowments, have to be content with private tuition, and, secondly, you take no account of those pupils who, for want of schools and for want of endowments, have to go elsewhere from these localities, and get their education in other parts of Ireland.

Lord Justice FRANKLIN.—I will give you another figure. From Fermanagh, the most richly endowed county in Ireland, the Intermediate returns for 1886 show that only four boys passed in any grade whatever—three from Portora and one from "the National School, Irvinestown." I don't know whether the school is Protestant or Catholic, but on Mr. Bealey's percentage test for Irvinestown and for Portora, for your Protestant school, it would depend on the denomination of the manager of Irvinestown National school whether 100 per cent. or only 75 per cent. of the pupils of a county having a Royal Endowment of £1,800 a year were Protestant for the purpose of Intermediate education.

Mr. Bealey, Q.C.—I don't say that this is a conclusive, but merely to be taken into consideration, together with the fact that the pupils educated in the Royal schools have power to come from other parts of Ireland. The Royal School of Armagh has not been sending up boys for the Intermediate examinations, and if they had the number would be greatly increased. There is also a\* return of the literate population in these counties from the census of 1881. For instance, in Armagh the proportions are—Church of Ireland, 34·5 per cent.; Roman Catholics, 41·1 per cent.; Presbyterians, 18·7 per cent.; Methodists, 3·5 per cent., and all other denominations 2·2 per cent.

Lord Justice FRANKLIN.—The figures that we have are, for the six counties, 255,000 Roman Catholics and 217,000 Protestants. In the five counties, leaving out Monaghan, there are 217,782 Roman Catholics and 205,323 Protestants. Of these 204,000 Protestants, 109,000 are Church people and 95,000 are others.

Mr. Bealey, Q.C.—We have got the\* particulars for these five counties from the census of 1861, of 1871, and of 1881, showing the percentage of these several denominations. I propose to hand in these.

10238. Lord Justice FRANKLIN.—What conclusion do you draw from these percentages?

Mr. Bealey, Q.C.—That it is unfair to mix up all these endowments and to make any distribution of them in a certain proportion between the five counties. I submit that each particular endowment should be divided according to some fair basis—according to the county, or to the diocese—whichever you take as the unit of distribution; but that you are not to mix them all up and then divide them according to some general principle of representation.

10239. Dr. TRAILL.—Are you satisfied that the endowment in each county or diocese should be separately divided, according to an estimate based on the literate population?

Mr. Bealey, Q.C.—Not exactly upon the literate population. I should prefer that it would be based upon the numbers attending superior schools.

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10540. How could you estimate the proportion of the Limerick population that would go to Intermediate schools? That is one of the most difficult problems, and I shall be glad of any assistance in making it out.

Mr. Bawley, Q.C.—The return we got from the census of 1881 gives an accurate return of the persons of the different denominations attending superior schools, and the names of the schools are given.

10541. Lord Justice FRYGIE.—That might be an unfair basis to take for the future, as one denomination has not been as well provided as the other with Intermediate education in the past. If you took each denomination, and estimated what proportion of its numbers was likely to require Intermediate education, and based a return upon that, it would be more to the point.

Mr. Bawley, Q.C.—That must to a certain degree be based upon speculation. A number of persons cannot take advantage of superior schools from the nature of their occupation. There must be a class whose education must be primary; they will never go on to Intermediate schools, and it would be unfair, though you include them among the Limericks, to treat them as persons requiring education at Intermediate schools.

10542. You think it fair to divide the endowment in proportion to the number of pupils attending superior schools?

Mr. Bawley, Q.C.—Yes.

10543. Then the only difference between your proposal and the scheme is that you propose to divide on the figures of 1881, while the scheme provides for a division on the figures *de anno in annum* for ever?

Mr. Bawley, Q.C.—But I propose to take the basis of distributing in each particular county and to divide the endowment in each county.

Lord Justice FRANKLIN.—That is absolutely impossible.

10544. Rev. Dr. MALLOY.—What you read was the number of pupils attending superior schools?

Mr. Bawley, Q.C.—Yes.

10545. Can you tell us exactly what are the schools that the census call "superior"? Does it include all the schools sending up pupils to the Intermediate Examinations?

Mr. Bawley, Q.C.—They are classified in this way:—National schools, ecclesiastical and convent schools; patronage and subscription schools, and private schools, and in a note to the census in each particular county, it mentions what different schools they consider superior.

10546. Does it include all the schools sending up pupils to the Intermediate Examinations?

Mr. Bawley, Q.C.—It is sure to include all that.

10547. I am sure it does not. Does it include the Christian Brothers' Schools?

Mr. Bawley, Q.C.—I should say that they would be included among the Ecclesiastical Schools.

10548. Lord Justice FRANKLIN.—If it leaves out the Christian Brothers' schools, under the belief that they are elementary schools, it is a matter of fact not generally known that considerably over one-third of the pupils sent of all Ireland pass for Intermediate education to the Christian Brothers' schools.

Dr. TRAILL.—On the other hand, it has been proved to us in Drogheda, Dundalk, and other places that the proportion of those attending the Christian Brothers' schools, who availed themselves of Intermediate education is only one-tenth, or at the utmost one-eighth of the total number of their pupils. Their success is very remarkable at the Intermediate Examinations all the same.

Mr. Bawley, Q.C.—The list of schools treated as superior schools include St. Patrick's Diocesan College, Armagh, St. Columba's, Newry. This cannot be done with great accuracy, but you can get some idea of the relative proportions. I strongly insist upon the division being by county or diocese, and not by lumping them together and then dividing them equally.

10549. Lord Justice FRANKLIN.—Your great point

is that you want a separate division made of each endowment.

Mr. Bawley, Q.C.—Yes, to divide each endowment amongst the persons entitled to share it.

10550. Would you in future allow anything for such fluctuations as have occurred in the past? In other words if the Fermanagh school fails and the Raphoe school rises would you allow any money to go from Fermanagh to Raphoe?

Mr. Bawley, Q.C.—No, I don't think so. I don't see how or where you can stop if that is done.

10551. Then if Fermanagh continues comparatively empty it must still get its share of £1,800 a year, and Raphoe if full gets comparatively nothing, though the Act of Parliament directs that the money not required for one Royal school shall be transferred to another. Do those you represent go so far as to say that if we make a primary distribution, based upon your principle, in the different counties, and allowed the different local bodies then to join in making any re-arrangement they chose of their own money subsequently, they would object to that?

Mr. Bawley, Q.C.—We think that is reasonable; and I submit that mine is the only reasonable principle upon which the endowments can be distributed. At any rate to distribute them according to the gross population irrespective of their being Limericks would be totally wrong, and considerably at the expense of the Protestants.

Mr. Atkinson, Q.C.—I support the contention of my learned friend, that the endowments of each diocese should be dealt with separately. I represent all denominations in this matter, because the Roman Catholic Bishop of Clogher agrees with us. In reference to the other point, for the Protestants, I entirely object to the present proportion, which, as I can understand it, is an equal proportion.

10552. Lord Justice FRANKLIN.—Not an equal proportion, but an equal minimum grant.

Mr. Atkinson, Q.C.—I submit that there is no proportion which can be suggested about which difficulties cannot be started, but I won't cross-examine one of your lordships' body as to why the scheme selects equal proportions.

10553. They were not selected as proportions at all, but as what they are described, as minimum grants; and these were made equal because the minimum necessary to give substantial aid to a school will be the same whether the pupils are Protestants or Catholics, I apprehend.

Mr. Atkinson, Q.C.—I say that almost two-thirds should be given to the Protestant population; for the Intermediate schools exist only for the use of that part of the population that is likely to send pupils to Intermediate schools, and let me say that I don't consider a school an Intermediate school while the general education that it gives is merely primary, though it educates an occasional boy in the subjects of the Intermediate Examinations sufficiently well to carry off a prize. If the general level of the education given is only primary it is not to be regarded as an Intermediate school from having in an isolated way enabled a boy to reach a higher grade. How are you to ascertain the proportion of the population likely to require Intermediate schools in the Fermanagh district? Banbridge can hardly be called a large commercial town, and certainly Monaghan is not. There are therefore no large commercial towns to supply day boys, and day boys must come from towns. I mean by "day boy" the boy who resides at home and attends school daily, and I consider a boy a boarder who is sent from a distance to live near and attend the school daily. Those whose parents do not reside in the town, and the boarders at the school are, for my purpose, all the same. Therefore you must find the population that requires Intermediate education in Fermanagh among the agricultural population, and I can find no better test than a rough one; the "Poor

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**Low Valuation.**—because the idea of a farmer whose Poor Law Valuation is under £50 requiring Intermediate education for his sons or son is very far fetched.

10254. **Professor DOUGHERTY.**—The practical experience of people in Ulster is against that contention.

**Mr. ATKINSON, Q.C.**—Unless you have an Intermediate school at their door they must be sent from home. If they go to a school £45 is the minimum to be paid for their board and education in any Protestant school, and £35 to £40 in St. Mooney's seminary. A farmer of £50 valuation is usually pressed to provide for the education of one son, and how he is to afford to spend £25 or £30 a year on it seems to me far-fetched indeed. You forget that boys travel long distances to schools in the north by railway, and live at home.

10255. **Dr. TRAILL.**—That would cost a great deal more money.

**Mr. ATKINSON, Q.C.**—Where would they come from by railway in this particular district? There are no railways pouring into Fermanagh.

10256. **Professor DOUGHERTY.**—We heard in Baniskillen that a number of pupils were expected to come by the Claghier Valley Railway to the Baniskillen school.

**Mr. ATKINSON, Q.C.**—That is very problematical.

10257. **Professor DOUGHERTY.**—It was your own clients who gave that evidence.

**Mr. ATKINSON, Q.C.**—Even suppose they did, a railway only taps the traffic for two miles on each side of the road. If that be so, look at the enormous district in these two counties, from which, if the children are to be educated at all, they must be sent either to board in the school or in the town. Therefore the expense necessarily restricts the number of individuals who can afford to avail themselves of these schools for education. I know the valuation is not an infallible test, but I have not heard of any other one that appears equally good. The entire Roman Catholic population of Monaghan is 75,000, and the Protestant population is 37,000; the Protestant population of Fermanagh is 57,000, and the Roman Catholic population 47,000, and if it turns out that five-sixths or four-fifths of the farmers of the county have a valuation so low that by no fair probability can it be expected that they will send their children to Intermediate schools, I submit that for the purposes of this argument the gross population may be left out of consideration altogether. I have not these statistics yet, but they are being prepared by the Clerks of the Union, and to-morrow I hope to be able to hand them in. There is no test to which objections will not be raised. I submit that this is as good a test as you can apply to this rural district; Monaghan is a purely agricultural county, with no manufactures worth speaking of, and with no large town. The great mass of the population is agricultural, and if you find the valuations so low that by no reasonable probability can they be expected to send their children to the Intermediate school, I say you are to exclude these people altogether.

10258. **Rev. Dr. MORTAR.**—I understand your argument to be that there is a much larger proportion of Protestants in this district who are capable of bearing the necessary expenses of sending their boys into the schools, either at Monaghan or Baniskillen, than there is of Roman Catholics?

**Mr. ATKINSON, Q.C.**—Certainly.

10259. Therefore you think that the Protestants are entitled to a larger proportion of the endowment?

**Mr. ATKINSON, Q.C.**—Yes.

10260. And you admit that though not a perfectly satisfactory test, this is the best that you can get?

**Mr. ATKINSON, Q.C.**—I do.

10261. Then I want to call your attention to the fact that this is principle which the scheme allows to come into full operation, because if there is a larger proportion of Protestants able to bear the

necessary expenses, there will be a larger proportion of Protestant children going to the schools, and according to our scheme, after a certain amount is deducted as the minimum for each board there remains a large sum to be distributed according to the amount of educational work done, and if your argument is good—and I think it is a very fair one—it only shows that the Protestants will get a larger amount of the endowment than the Roman Catholics because they will have a larger number going to their schools. That is a perfectly satisfactory one because it distributes the surplus of the endowment exactly in proportion to the educational work done, whereas you admit that your test is not satisfactory because it is inaccurate and indefinite.

**Mr. ATKINSON, Q.C.**—I don't admit that the distribution of the surplus will at all have those results, or that it is satisfactory; on the contrary, I shall show you that it is unsatisfactory; but I understand that these schools were intended for those portions of the population who required Intermediate education, and I wish to ascertain what the proportions are. As I am instructed it will be found that two-thirds at least of the population requiring Intermediate education are Protestants, but whatever the result may be I am willing to abide by it. I quite see the argument that my principle is not flexible. In reference to the objection things will remain as they are until there is a change, until commerce springs up in these towns or towns are consolidated. If you divide the valuations by consolidating the farms, you diminish the number of families, and that may to a certain extent also be proportion; but I have no objection that a case should be introduced to provide for periodic revisions at certain intervals—say of five, six, or of fifteen years, which is a favorite period.

10262. **Lord Justice FRASER.**—I can understand the strength of the argument for a final division; but if you once admit periodic revision, the best is the enemy of the good.

**Mr. ATKINSON, Q.C.**—I don't see any reasonable anticipation of any great change. It can be only ascertained whether there has been any great fluctuation in the past. If there is no fluctuation the apprehended, the relative proportions in which the endowments are to be divided should be now ascertained by the proportions in the two denominations of that portion of the general population which is likely to require intermediate schools. It is said that that will be done by clause 43 regarding the distribution of the residue remaining after the payment of the 40 per cent. The first objection I have to that is that it makes a common fund of all the endowments.

10263. **Lord Justice NASH.**—What exactly is the basis upon which you would go to ascertain the portion of the general population that required intermediate education?

**Mr. ATKINSON, Q.C.**—As far as the farmers are concerned I would take £35 or £40 a year valuation.

10264. **Dr. TRAILL.**—Would you not consider that every clever boy should have a chance of rising?

**Mr. ATKINSON, Q.C.**—Yes, if his father is able to give it to him.

10265. Whether his father is able to give it to him or not, should he not have his chance of getting to the top?

**Mr. ATKINSON, Q.C.**—You may as well say whether his father is able to give him a good suit of clothes or not, he should have them.

**Lord Justice FRASER.**—And why shouldn't he, if clothes were supplied to the most deserving at the public expense?

10266. **Dr. TRAILL.**—There are many people who would be willing to help along a young boy who showed signs of cleverness and industry. Would it not be possible to make some calculation of the proportion of those boys who, with help, could rise?

**Mr. ATKINSON, Q.C.**—I don't see how it would. You must deal with generalities, and the only way

out do so is to see what is the proportion of the population likely to require intermediate education.

10267. That would cut a little against one denomination when you say that such a large number of them are under this valuation. Would it not be fairer to take the class of labourers, and to give them credit—say for a tenth of their number, then to take the farmers, and to give them credit for a fifth of their number, then to take the commercial and professional classes, and give them credit for all their numbers.

Mr. Atkinson, Q.C.—Yes, but my only objection to that is that it is entirely arbitrary.

10268. Lord Justice Frothingham.—I think if you look at this question practically it will be narrowed down into reasonable proportions. If you could show how the relative numbers of each denomination of the class requiring and entitled to a share of these public endowments for intermediate education, there is a preponderance of opinion on all sides that there would be great advantage in dividing the money once and for all as it is called; but before we could divide the money in that way we should either be judicially satisfied that the division was a fair one, both now and for the future, or we should see a general concurrence of all concerned that it satisfied them. The only other alternative is to divide by results from time to time.

Mr. Atkinson, Q.C.—I fear I have not conveyed myself. I say that the first thing is to get the relative numbers of the population requiring intermediate education, and then that there should be a division, whether permanent or temporary, in the relative proportions of that population.

10269. To that everybody is agreed, if you mean that it should be divided in proportion to the numbers of those entitled to claim the benefit of it.

Mr. Atkinson, Q.C.—Then take the test as to the valuation of the agricultural population, the test as to the attendance at school, the test as to the number of literate and illiterate people in each of these places, the test as to the numbers passing the Intermediate examinations, and considering these all, you can go as far as it is possible to go towards a fair approximation of what the population is that requires intermediate education, and you can ascertain at the same time the respective religious creeds of that population. Whether there be then a permanent division for ever, or a division at periods of ten or fifteen years, if there are likely to be fluctuations, or a yearly division if you like, the division always ought to be on the existing basis of the records. Now, it is said that under this scheme, by section 43, such a division of the funds may be made, but that clause won't provide what I want at all, because it mixes up all the endowments of the different counties. It won't confine the endowment for a particular district to that particular district, and, so far from producing an equality I will show you that it produces the very opposite.

10270. If you can give us any assistance on this point we shall be very glad. There is nothing like an interchange of the views, and if you could approximate to a figure, others may be induced to tell us their approximation too. Speaking now as a juror, and as only one member of the Commission, we have had all these figures before us, and been working at them among ourselves for a year. I am satisfied that at present a division into three—one-third to the Roman Catholics, one-third to the Church, and one-third to the Presbyterians—would give rather too little to the Roman Catholics, on the other hand, a division into halves may give them rather too much, but a quarter would not satisfy the Church people. On the whole a division in halves comes nearer to all these tests, taking the endowments as a whole, than any other, but subdividing the Protestant half into quarters would not work at all if applied to each endowment separately. As between Protestants and Catholics, in fixing the proportions justly, two con-

siderations should come in to modify mere numbers.—First into the Protestant scale you put a great number of rich people, those who are guilty of the excesses so much complained of, who send their children out of the country for their education, and who would not in any case keep them in Ireland. Rich people of that class ought not to be taken fully into account, because they do not require the benefit of these endowments, do not take advantage of them, and when they had them, gave them up. On the other hand, there is a large proportion of Roman Catholics among the poor, who do not want high schools, though such poor, clever, boys as are taken up by the Christian Brothers certainly ought to be taken into account. The net result of the whole discussion in my mind was that no really accurate division could be got at, that no approximation suggested by us would satisfy both sides. Therefore the only test that remained was some automatic test.

Mr. Atkinson, Q.C.—The reason I say that the fund for each district should be dealt with by itself is, that a system of distribution which might be fair in one district would be grossly unfair in another; in one district the Roman Catholics requiring intermediate education might be three to one, and it might be the reverse in the next district. Take for instance Fermanagh.—

10271. The practical objection to dividing each endowment separately, and taking away the power of shifting the money from one district to another is that in many places some denominations would be left without any adequate provision. In Cavan, for example, the church people are almost all the Protestants, and the minority of Presbyterians and Methodists there would not have anything. The result in Donegal would be extraordinary, because if you take in the whole county, you would have an overwhelming majority of Roman Catholics, while if you take in the district of Raphoe only, the Presbyterians would outnumber all the rest; in short if you were to divide each of these endowments into two or three not equal but proportionate shares, the result would be fantastic in the highest degree.

Mr. Atkinson, Q.C.—Of course that drives us back to my earlier argument, that it was never intended that the funds of one district were to go in aid of the endowment of the other.

10272. I mentioned before that our difficulty in relation to that is that since 1813 it has been the law that any money not wanted in one district should be spent in any other where it was needed, and as a matter of fact large sums of Cavan money have been spent on Raphoe, and even on Banagher.

Mr. Atkinson, Q.C.—That was under the Act of George IV.

Dr. TRAILL.—The residue could only be applied to another school after all the requirements of the original school had been provided for. You must maintain in all its integrity the original school, and after you have done that—in the event of the funds arising from the endowment being more than adequate to supply the school, and to support it—then you may apply the surplus funds to the support of the other schools. As a matter of fact there is £20,000 belonging to Enniskillen, and £5,000 belonging to Cavan, accumulated money which under that clause was not spent.

Mr. Atkinson, Q.C.—I submit that at all events there is nothing in the statutes to enable you to transfer the funds of one district to another unless you comply with the provisions of the Act of George IV., which provides that you can only do that after you have provided to the full for the maintenance and management of the local Royal schools. But even if the division was not open to that objection, I submit on the score of equality of treatment that it is not satisfactory. I am told that one of the advantages of section 43 of the scheme, is that you give a minimum grant which will enable each particular school to exist,

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and that the results will work out of the residue a proportionate endowment for the different denominations. I say that won't be so at all. There are several objections to it; but first as to the equality. There are several Protestant schools in Ulster, which will provide adequately for the wants of the Protestant population. There are very few such schools in the south or west of Ireland, and they are not wanted, because most of the members of the Protestant population in those districts are people of the higher class, who send their sons away to England or elsewhere; but there are a great many good Roman Catholic schools in those other portions of Ireland; and what is to prevent the Roman Catholic schools in Ulster from drawing into them the intelligent youths from different parts of Ireland, and in the result—worked out through the instrumentality of strangers and boarders—absorbing the 50 per cent.

10273. Lord Justice FRYGROVE.—If the Protestants did likewise, the result would be to restore Portora, Dungannon, and Armagh to their points of highest prosperity, and then they would be entitled to get more than half the endowments.

Mr. ATKINSON, Q.C.—Your lordship misunderstands me. What is to prevent the Roman Catholic seminaries in Ulster from being recruited by foreigners, if I may so call them, from other parts of Ireland?

10274. And I only ask what is to prevent the Protestants from doing the same thing?

Mr. ATKINSON, Q.C.—You cannot recruit if you have not got recruits.

Lord Justice FRYGROVE.—There are plenty of recruits if you look for them; they are going now to many other schools.

10275. Rev. Dr. MOLLOY.—If you have not got recruits what do you want with the endowments?

Mr. ATKINSON, Q.C.—There are enough recruits to maintain these schools in the existing population, but if you are allowed to import foreigners into the other ones, you will, through the instrumentality of the foreigners devour sixty per cent. of the endowment.

10276. You have made a statement upon which, so far as I can see, your whole argument rests, namely, that there is not a sufficient number of good Roman Catholic schools outside Ulster for the population of the other provinces. What is the evidence of that?

Mr. ATKINSON, Q.C.—I thought that one of the standing complaints of the Roman Catholics was that they had not sufficient good schools.

10277. Not at all. The complaint is that the good Catholic schools have no endowment.

Mr. ATKINSON, Q.C.—Is it then the fact that there is not a complaint that there is not an adequate number of Roman Catholic schools?

10278. Not that there is not an adequate number of Roman Catholic schools, but that the Roman Catholic schools receive no State endowment. There are an abundance of Roman Catholic schools in Leitrim and Monaghan.

Mr. ATKINSON, Q.C.—I am very glad to hear that they can get on so well without the endowments. Therefore it is a dog-in-the-manger feeling that objects to our having them.

We are not in the manger yet.

Mr. ATKINSON, Q.C.—If they can get on so well without the endowment I don't see why it should not be left to those who cannot get on without it.

10279. Almost the first point you made was that the schools which showed that they were doing educational work were the best entitled to get the endowments.

Mr. ATKINSON, Q.C.—These endowments are provided as prizes for enterprising teachers and not for the purpose of educating parties who are adequately provided for already.

10280. Lord Justice NAIRN.—Is your objection that the results principle should be applied only in the case of boys born in the district?

Mr. ATKINSON, Q.C.—Certainly. These endowments

are intended to provide for local wants, and if there are enough Protestant schools all over Ulster to provide for local wants, this school of Portora can never hope, in the altered condition of things in Ireland, either to draw away persons who would naturally go to other Protestant schools in Ulster, or to get recruits from other parts of Ireland. I was under the impression that there was an ample field to get from the other portions of Ireland, and to introduce to those Roman Catholic seminaries in Ulster such a number of intelligent boys as to absorb the sixty per cent. portion of the results.

10281. Lord Justice FRYGROVE.—My object this morning, in giving you so very fully the facts of the endowment, was to show you that the whole of the money applicable to this purpose did not exceed £5,500 a year, and if any very large number of boys were educated in this district, it would leave so little per head that it would not give any substantial endowment even to the district. You really must understand that no funds are available to maintain schools, but only to aid them.

Mr. ATKINSON, Q.C.—Your scheme would reduce them all to the dead level of starvation instead of leaving some £1,000 a year, we will say, for the educational advancement of this particular district, by tapping Fermanagh for the impoverished districts round it, you reduce it, in all probability, to from £100 to £200 a year for each of the denominations.

Lord Justice FRYGROVE.—As the scheme stands, the school is to have a mistress, not a rector, and when you speak of reducing the school to the level of starvation you ought to bear in mind that there is no fund in Ireland sufficient to maintain a large school. The schools that are successful have generally either no endowment at all, or some small sum, often only £200 or even £100 a year, which serves as a permanent fund to keep them going, and frees them from difficulties.

10282. Rev. Dr. MOLLOY.—If people of a particular religious denomination establish a school and maintain it on a fair basis—if they get a certain amount of public endowment to help them in their work, surely they won't starve more than if they got no part of the endowment.

Mr. ATKINSON, Q.C.—Certainly not.

10283. But that is exactly the case with which you are dealing?

Mr. ATKINSON, Q.C.—That is not, with all respect, a correct view of the purpose of the endowment. If the community are able to have an efficient educational establishment without an endowment, then they don't require it at all, or require very little; but here is the contrary where you have a case in which you can have no education at all without subsidising the school, in order that learning and education may not die out in the place, you must give the endowment to keep the school alive.

10284. But take the actual facts, as you represent them yourself, in this Fermanagh district about which you are arguing. There is a large preponderance of Protestant families who are able to bear the expense of sending their children to England and other places to school. You also admit that there is only a small number of Roman Catholic families able to do so. But the Roman Catholics of the district have established schools and maintain them, which they have managed to build themselves. Surely those won't be reduced to starvation by getting some small assistance from this public endowment to enable them to carry on the work they are doing? On the other hand the large proportion of Protestant families who are able to bear the larger expense will get also a degree of help from this public endowment corresponding to their needs, so that neither party will be reduced to anything like starvation.

Mr. ATKINSON, Q.C.—I do not understand that it is intended to decrease the fees in consequence of the endowment. I thought the endowment was for the purpose of getting superior education.

10285. Lord Justice FRYGEMAN. — And your argument goes on the assumption that there must be a large endowment for that purpose. Now look at the plain facts of your own case. In 1837, 4840 in cash was laid out at Enniskillen on teachers—I don't speak of what was laid out besides on the building. During that year thirty-five day boys were taught in the place, and no boarder at all. In 1834, before our Act came into force, only twenty-four boys were at Portora, the school has increased by thirty-three per cent. since 1834, yet the 1840 was spent on those twenty-four boys. In other words the State paid the schoolmasters of Portora £35 a year for each boy they taught, in addition to what the boys had to pay. Surely that shows that anybody who wishes to utilize an endowment will not pile it on one school without regard to the amount of work that it is doing.

Mr. Atkinson, Q.C.—I think that an unfair use has been made of the failure of Portora in the last few years owing to the peculiar views, and the peculiar conduct of the man who happens to be Head Master in a particular time. I ask you to take in review a larger period of Portora's history, to go back for twenty years, and then it was one of the best schools in Ireland, and a genuine credit to the country.

10286. And if you can get it back to its former position, your argument would at once prevail and get full weight under our scheme, and the school would get not only a due share of the Enniskillen endowment, but of the others also.

Mr. Atkinson, Q.C.—I say that you should provide educational requirements for local wants, and take the local population for the basis.

10287. You cannot ride on two horses. Twenty years ago Portora had no more day-boys than now. You either want small schools for local wants or you want a big school to which you must bring pupils from outside. As the scheme is prepared, it helps every good school in the district according to its work, and at the same time, allows only really substantial schools, to share at the period when Portora was full, other local schools were empty, and if that occurred again Portora would get a very large endowment.

Mr. Atkinson, Q.C.—Nobody can suppose that Portora will get back altogether to what it was before, but the Protestant population requiring Intermediate education in the district is sufficiently large to make Portora, with an adequate endowment a fairly good school, and I say that its local wants ought to be first provided for. I object entirely, while Portora has local boys, to bringing it into competition with institutions by which may bring in others from different districts by whom the thirty per cent. surplus will be absorbed. The very last applied is unjust, because these schools will pick most who make the largest number of boys just up to the middle grade of the Intermediate examinations. They get two marks for that; while if Portora sent up a pupil who took an entrance exhibition in Trinity College, he would just get four marks for that.

10288. We ought not to get into details as to these marks. That is a separate matter on which we desire to get any help we can to improve the scheme. We are willing to take whatever test will best and most fully reward all adequate work according to its merit.

Mr. Atkinson, Q.C.—Then I say the endowment ought to be divided into two-thirds for the Protestants, and one-third for the Roman Catholics. I do not speak with confidence as to the exact proportion, because I have not yet got the return I mentioned. I admit it would not be a good guide in a commercial population, but this is not a commercial population.

10289. Lord Justice MAHELL.—You don't want to divide the Protestant share among the different denominations of Protestants?

Mr. Atkinson, Q.C.—No, I appear for a committee

which represents the Protestant population of all denominations in this district.

10290. Lord Justice FRYGEMAN.—In that district the Protestants of different denominations do not desire to subdivide their share?

Mr. Atkinson, Q.C.—Not at all, they all wish to work together.

Mr. Bowley, Q.C.—That is only confined to Fermanagh.

10291. Do I understand your argument to amount to this; first that the endowment should be divided once and for all; secondly, that the Fermanagh endowment should be confined to that district, and, thirdly, that two-thirds should be given to the Protestant Local Board, and one-third to the Catholic Local Board.

Mr. Atkinson, Q.C.—If that be the proportion in which it is ascertained that the population require Intermediate education—that is, I contend, the way the funds should be disposed of.

Mr. E. P. Carter, Q.C.—I appear for the Most Rev. Dr. Donnelly, and there is one portion of Mr. Atkinson's argument in which I entirely concur. On behalf of Dr. Donnelly, I too would require that the whole of the endowment of the Fermanagh district should be applied in that district, and not outside it. In the first place, it appears to me that it is departing from the provisions of the Act of Parliament, under which the commission is constituted to apply any portion of the fund outside the particular district, and, secondly, it will work a particular hardship in the Fermanagh district, having regard to the ample provision made by the scheme for continuing the Armagh school. Clause 13 of the Act "provides that in every scheme which abolishes or modifies any privileges or educational advantages to which a particular class of persons is entitled, whether as inhabitants of a particular area or as belonging to a peculiar class in life, or otherwise, the commissioners shall have regard to the educational interests of such class of persons." Now, whether we take, as contended for by Mr. Bowley, the county as the area, or whether we adhere to the area adopted in the scheme, as I hope you will, and in which I on behalf of Dr. Donnelly entirely concur—the diocese—we have the endowment for the benefit of a particular class of persons, and due regard must be had to their educational interests. Such due regard would not be had if the scheme is carried out in its entirety as now framed. It would take away from the Fermanagh district an endowment which will be little enough for its educational requirements. There is this additional disadvantage and injustice, having regard to the provision in respect of Armagh school, that as long as the present head master is continued, and the school maintained there, there will be no fund coming from the Armagh district to supply the Armagh Catholic Board, and that board must be provided for by the other endowments. We feel it to be unfair that the Fermanagh district should be contributing to the support of the Armagh district, when the necessity for that support is caused by what we object to, the maintenance of the Armagh school in the way provided by the scheme. There is another portion of the scheme to which Dr. Donnelly had been led, by failing to understand the object of the minimum grant, to feel dissatisfaction; but having regard to the explanations given by Lord Justice Finliff and Dr. Molloy, that the object of the minimum grant was to give just such a sum as would get the school started, we withdraw our objection to the minimum grant. But we do object to the appropriation of the remaining sixty per cent. out of the Fermanagh district.

10292. Lord Justice FRYGEMAN.—What do you propose instead?

Mr. Carter, Q.C.—That the sixty per cent. shall be applied to the schools in the Fermanagh district.

10293. You are not deprived by the scheme of any money except the matter you mentioned about Armagh, if you have the boys to earn it. I may say

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that the Armagh provision is certainly exceptional, and we wish to know what you suggest we should do for Armagh?

Mr. CARTON, Q.C.—I agree with Mr. Atkinson that the endowment of each school should be applied to the district, and the Act of George IV. plainly provides that no portion of the income of an endowment shall be applied out of the district until the requirements of the schools in the district have first been satisfied.

Lord Justice FRANKLIN.—You should say "school," for there was only one at that time, and £6,010 has been put by, which the Commissioners would not have had any right to put by if it was required for Fermagh. Furthermore, Enniskillen money has gone to Banagher and other places.

10294. Dr. TRAILL.—And you want to stop that, Mr. Carton?

Mr. CARTON, Q.C.—I want to propose that instead of being treated as a common fund, and being "distributed" in proportion to results, among the several local boards for the benefit of the intermediate schools situated in the several districts which fulfil the conditions hereinafter set forth, there should be substituted a provision that the 60 per cent. in the Fermagh district shall go in results fees for the schools of the Fermagh district, and in the same way in the other districts.

10295. Lord Justice FRANKLIN.—Do you prefer that it should go by results, or would you rather divide once and for all?

Mr. CARTON, Q.C.—I have no objection to results fees. I have that confidence in the Catholic schools that I believe they will be able to hold their own with the others.

10296. Take care. At present it is by no means clear that there is a single school in this Fermagh district that could come up to the conditions. St. Macarten's might, but it is near the border.

Mr. CARTON, Q.C.—I will give you statistics in a moment upon that point.

10297. If so, no money will be diverted, for every boy from the Fermagh district who stands the test of having got intermediate education will contribute his share to the endowment; it is only in case of a greater proportionate number of boys getting such education elsewhere that any money would be diverted at all.

Mr. CARTON, Q.C.—I say that no portion of the educational endowments of the Fermagh district should go to Armagh, if the Armagh endowment is devoted to keeping up the present school in place of going to support the Armagh Catholic Board.

Lord Justice FRANKLIN.—That is a mistake. There is nothing kept up in Armagh except existing vested interests. If you look at the scheme you will see that that is so. What is preserved in Armagh is only what is already included in Dr. Moore Morgan's vested interest, which we must save or pay for, even if it involves carrying on the school at the expense of the whole Armagh fund. I have shown that there is even a deficit in Armagh at present. The Commissioners are spending more on the school in which Dr. Moore Morgan has his vested interest—than the whole income. Your argument as to Armagh would result only in depriving the Armagh Catholic Board of everything so long as Dr. Moore Morgan's interest lasts.

10298. Rev. Dr. MORLEY.—Do you represent the Catholics of Armagh, Mr. Carton?

Mr. CARTON, Q.C.—No, we are in conflict about that. They will complain if, until Dr. Morgan goes, they cannot get their full allowance from the Armagh endowment, but I submit that although the Armagh school is left where it is, it is unfair that the vested interests of the Armagh Board should be supplemented from the other districts. It is unfair to the school-going population of the Fermagh district. I submit also, with great respect, that it is giving the go-by to

the 12th section of the Act. Then there is another point of view. It is said by Lord Justice FRANKLIN that the Fermagh boys would not be deprived of the sixty per cent. In one sense they would not, but in another sense they would, because the competition would be much more keen, if between the boys of the districts, as proposed by the scheme, than if the competition were confined to the boys of the particular district. And as I understand the scheme it does not propose to give results fees for each boy, but it distributes the 60 per cent. in proportion to the result of the marks obtained by a certain number of schools in the district complying with the conditions of the scheme. The Fermagh schools might fail in passing the requisite number of pupils, say in the Intermediate Examinations; and supposing, for instance, that the sum of £5 or £3 a head would be the result fee payable, if the total number of pupils didn't come up to the required standard, the 60 per cent. would not be paid.

10299. I think you are right. According to your proposal the whole 60 per cent. would be reserved to the Fermagh district; while according to the scheme Fermagh, instead of getting that 60 per cent., would get the right to compete for the whole surplus, and that would be loss of an educational advantage to Fermagh than it is entitled to?

Mr. CARTON, Q.C.—Yes, that is putting my argument much better than I conveyed it. That is Dr. Donnelly's objection to this portion of the scheme. His idea is that we should be entitled to apply the 60 per cent. to Fermagh.

10300. You agree to the equal minimum grant?

Mr. CARTON, Q.C.—Yes, when I am told that it is a minimum grant, not based on population, but the number of school-going children in the district, but a grant arrived at by the Commissioners as being the minimum which would enable a school to be started by each Board in the district.

Lord Justice FRANKLIN.—It is a little more in the case of Enniskillen, on account of the estate being so much larger, than we would have thought necessary, but another element entered into it. We thought that if the income was to be increased there must be some pecuniary interest in the local board to secure the collection of the rents. Therefore we selected a percentage instead of a fixed sum.

10301. Rev. Dr. MORLEY.—The scheme provides that for the first three years the whole of the Enniskillen endowment shall be divided equally between the two boards. May we understand that you do not object to that?

Mr. CARTON, Q.C.—I certainly object to that, and I think that we ought to get a larger share. If we had been under the impression that the 20 per cent. would have been given to each on that principle, the objection to the minimum grant, which we withdrew, would have been persisted in.

10302. The division for three years was adopted rather on the ground that each board has an equal right to get substantial aid to enable it to establish at least one school.

Mr. CARTON, Q.C.—Mr. Atkinson's argument proceeded on the assumption that the endowment is to be retained for a body who do not want it. He says there are no Protestants in this district to take the Intermediate education, but that there are wealthy people there who send their children elsewhere. A body as wealthy as they are do not want the endowment, and yet it is said that they are to get an equal share of this endowment, which they do not require. Surely, you are not to give an endowment to an undeserving body, but, on the contrary, to a deserving body who have no fund or endowment from which to provide supplemental educational opportunities for the children of their way of thinking. He assumes that he has two-thirds of the literate population, and he says that he will hand in the figures; but if his figures are as fallacious as Mr. Dewey's, there is no reliance to be placed on them at all; and on behalf

of Dr. Donnelly and the Catholics of Fermanagh, I entirely refuse to take the figures brought in by Mr. Bewley, when proved, and I will ask the gentlemen who compiled these figures how he arrived at them; they are at variance with all the information from the sources which are open to the general public. It has been stated that there is no demand for intermediate education in Monaghan. I have here a table which I will give by the Rev. Mr. McGlone, the head of St. Macartin's Seminary, which shows the state of education for the last ten years in the district of Monaghan and in the district of Fermanagh. As my table is so full of percentages, I will treat them to a few, though I have my own ideas about the fallacy of percentages. In round numbers, for a period of ten years, if we confine ourselves to the Fermanagh district, there would be on an average of fifty-nine Roman Catholic pupils receiving intermediate education, and there would be on an average of seventy-eight in the Monaghan district. But that only includes the children living in the districts. There were other pupils receiving intermediate education in both districts during those ten years, who, of course, would increase the average. The institutions in which that education is being given are—St. Macartin's Seminary, Monaghan; the Christian Schools, Monaghan; the Christian Schools, Enniskillen; the Intermediate School, Enniskillen; the Convent of St. Louis, Monaghan; and the Convent of Mercy, Enniskillen. The totals in the County Monaghan are—1879, 30; 1880, 40; 1881, 98; 1882, 71; 1883, 65; 1884, 48; 1885, 46; 1886, 57; 1887, 48; 1888, 45. The numbers in Fermanagh are—1879, 42; 1880, 32; 1881, 34; 1882, 20; 1883, 15; 1884, 8; 1885, 13; 1886, 10; 1887, 7; and 1888, 8. If we add the number of pupils receiving intermediate education who were not inhabitants of these two counties, the yearly average would be 91 for the two counties; 85 in 1879; 135 in 1880; 160 in 1881; 104 in 1882; 94 in 1883; 79 in 1884; 72 in 1885; 80 in 1886; 68 in 1887; and 64 in 1888. These figures are compiled in the only reliable way—namely, from the records of the schools which the children were actually attending. They are not compiled with a view of producing fractional percentages—percentages which are wholly misleading, and wholly insufficient for the purpose, because, as has been already pointed out by Dr. Moyley, they don't take into account the number of children who go into the Intermediate Examinations on private tuition, and they only give the children who attend some of the recognized colleges. Amongst the Catholics in the Fermanagh district you therefore have not alone a considerable demand for education, but actually a considerable number of children receiving intermediate education. You will see that the number of schools and for intermediate education among the Catholics largely preponderates over the number used by the Protestants, and so does the extent of that education supplied; and if there are not a sufficient number of Protestants there, or if they go elsewhere for their education, that is no reason why the endowment is to be retained for them, if they do not want it.

10306. Dr. TRAILL.—Can you tell us why St. Macartin's has suffered in the same way exactly as Portora since 1880? The boarders in St. Macartin's in 1880 were 58, and the day boys 90; in 1885 they had fallen—the boarders to 27, and the day boys to 5, so that the total appears in those six years to have been reduced from 148 to 32.

Mr. CARTON, G.C.—The total I have given includes the Convent of St. Louis, Monaghan, and the Convent of Mercy, Enniskillen.

10304. The contrast with Portora applies to St. Macartin's individually, for it has suffered exactly as Portora has suffered.

Mr. CARTON, G.C.—Not, I maintain, to the same extent.

10305. Well, it has been reduced in numbers from seventy-six to thirty-two.

Mr. CARTON, G.C.—In 1880 there were forty boarders—according to this return that I have.

Dr. TRAILL.—No, there were fifty-six boarders, and twenty day boys.

Mr. CARTON, G.C.—Recollect this total of mine only includes the children of the district.

10306. Lord Justice FRANKENSON.—You left out the boarders not from the district?

Mr. CARTON, G.C.—Yes, quite so.

10307. Professor DOUGHERTY.—You propose to restrict the endowment to the district?

Mr. CARTON, G.C.—Certainly.

10308. Do you admit the principle of competition among the schools in the district?

Mr. CARTON, G.C.—Yes, we are quite prepared to accept that.

10309. Would you allow the schools in the district to earn fees on boys who did not belong to the district?

Mr. CARTON, G.C.—It is utterly impossible to draw a hard-and-fast line, and to say that a boy in a school is to be excluded on a question of boundary.

10310. Then in point of fact you propose to extend the benefits of the endowment outside the locality?

Mr. CARTON, G.C.—It would be utterly impossible to work a school if you were to confine the endowment too strictly in that way.

10311. Lord Justice FRANKENSON.—That was one of the arguments that prevailed with me in favour of the proposal made in the scheme, because, if there is a better school at any time in Fermanagh than in Tyrone a number of Tyrone boys will go to Fermanagh, but if, on the other hand, the Tyrone school becomes better than the Fermanagh school, those boys will go back to Tyrone, and additional ones from Fermanagh will go besides. Boys are brought to the school by its excellence, and that excellence ought to be rewarded. It appears, therefore, to be fair that the results fees should go in proportion to the number of boys at the schools all over the district. If, on the other hand, purely local considerations only should have weight in awarding this endowment, you must exclude all boys from consideration, whether boarders or day boys, who are not natives of the immediate locality.

Mr. CARTON, G.C.—Boys from adjoining districts won't be attracted unless the school is a good school.

10312. Boys from the other districts, as well as from other places, will be attracted, and ought to be paid for.

Mr. CARTON, G.C.—The boys of the district must necessarily go to the only school available. The boys in Enniskillen must go to the only school in Enniskillen.

10313. We have it in evidence that boys who ought to go to Portora are going to the model schools at Enniskillen. Why should Portora be paid for them nevertheless?

Mr. CARTON, G.C.—If you get a good school it will be kept up not only by the local pupils but also by the pupils from elsewhere. You raise the tone of education, and that reacts for the benefit of the local boys as well as the others; and, therefore, it is worth while to spend part of the endowment on the foreign boys as one of the means of raising the tone of the school.

10314. That seems to cut against your argument for county by county, or diocese by diocese division, for if there is a good school in Fermanagh boys of all the neighbouring counties would get the benefit.

Mr. CARTON, G.C.—And the result would be a much better school for the Enniskillen boys.

10315. Yet you wish to have your competition confined to Fermanagh?

Mr. CARTON, G.C.—What I want is, that the interests of the particular class entitled to share in the endowment should have proper regard paid to them under the 18th section; and I say that that can only be

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done adequately and properly by confining the benefit of each endowment to the schools within the particular district.

10316. I think it is only fair to tell you that we have given this question much consideration, and to show you how your proposal would work. About 1878, when Dr. Hume was head master of Monaghan Diocesan school, he had, I think, 120 pupils, chiefly boarders. He rented one or two houses for them besides the school buildings. Under your plan Monaghan would, in that state of affairs, not have got one shilling from the endowments of the other districts, though the schools of these districts had been divided into the Monaghan school; according to our plan, as long as any district succeeded in keeping up such a good school, it would be paid, not only from its own endowment but from the other districts besides, in proportion to the number of pupils whom it attracted from them, and educated for them.

Mr. CARTON, Q.—A good answer to that is that the Monaghan Diocesan school would not be a school at all under the jurisdiction of the Fermanagh Catholic Board.

10317. But you told us you were willing to compete with schools of all denominations in your own district.

Mr. CARTON, Q.—Certainly.

10318. Therefore every boy in St. Macartin's would earn exactly the same amount for that school as a pupil of the Diocesan school would earn for it.

Mr. CARTON, Q.—I said, I would not be afraid of Catholic boys meeting their Protestant rivals if you keep the endowment in the district, and do equal justice by providing what you have described as an automatic mode of division. But if you depart from that, and go into the question of numbers of heads and numbers of school-going children, or of children requiring intermediate education, you at once establish a test which will require periodical revision.

10319. Professor DOWNHAM.—The moment you admit boys for competition, who do not belong to the district, it appears to me you extend the benefit of the endowment beyond the limits of the district.

Mr. CARTON, Q.—It would be impossible, as it appears to me, to work a school satisfactorily if you treated a certain class of boys as having exceptional privileges over the others, and the result would be that you would keep away all except local boys, and would deprive the local boys of that healthy competition which must have the effect of raising the standard of the school, and of education in the district. Therefore it appears to me that some automatic scheme—which won't require periodical revision—for once we get into the question of figures it really comes round to the question of population—would be the fairest in the end. I would refer to the evidence of Dr. Delany in your report of 1883, in which he, who had great experience on this question, goes very fully into the question and examines several tests, and shows that in the end they are open to the objection that they are rough and ready, and asserts that the only satisfactory basis is founded upon population, but that it has the disadvantage of requiring periodical revision. And in answer to the argument advanced by Mr. Atkinson, and repeatedly pressed, that there are a larger number of Protestants fit for intermediate education than there are Catholics, one should not lose sight of the fact that up to the present Catholic education was entirely unendowed—and that any education which the Catholics have got they have given to themselves, and at their own expense. Now that a better time has dawned, and that they are going to share in the State endowments, it is only natural to suppose that Catholic education will advance, and that the increased endowments will enable the Catholics to do better than they have done in the past, although the past has been a very brilliant one.

Professor DOWNHAM.—You must remember that more than half the Protestants of Ulster have been in precisely the same position as the Roman Catholics as

regards educational endowments. The endowments have hitherto been practically restricted to one Protestant sect, numbering about half the Protestant population.

10320. Rev. Dr. MCELROY.—You didn't say anything, Mr. Carton, about the distribution of the endowment during the first three years?

Mr. CARTON, Q.—What I submit about that is that the principle of the scheme does not admit of an equal distribution between Protestants and Catholics. In the Fermanagh district, whether you take the basis suggested by Mr. Atkinson, on the basis of the persons receiving intermediate education, or the basis of population, the Catholics will be found to be in the majority, and entitled to a larger share of the endowment. I accept the equal division of the 50 per cent, not as a recognition of the rights of any denomination, but as given simply as a sufficient sum to keep up the schools, the principle being that there should be one school under a Catholic and another school under a Protestant board; but when you come to divide the entire endowment for the first three years you must proceed upon some principle, and it appears to me that there is no principle to justify you in saying that the Catholics on the one side or the Protestant denominations on the other are entitled to share the endowment equally. If that proposition were carried to its full extent the work of the Commission would be much simplified, because all it would have to say would be that the Catholic Board should get one-half and the Protestant Board the other half. It appears to me that the provision for the first three years is a departure from the proper rule.

10321. Dr. TRAILL.—What proportion do you suggest?

Mr. CARTON, Q.—I do not see why the scheme should not start from the beginning.

10322. Rev. Dr. MCELROY.—There would be very many difficulties in getting it into operation at once. It was with a view to getting rid of these practical difficulties that we thought we would allow each board a period of three years to put its house in order, to see what it should do. If it had a school, to put it in good condition, and if it had not a school, to accumulate funds for three years with which to build a school. We should like to know your view on the supposition that there would be a period of three years allowed, during which the full scheme would not come into operation, and what distribution you would consider equitable during that period of three years.

Mr. CARTON, Q.—I think the proper distribution would be according to the population.

10323. Dr. TRAILL.—But one-half of the population cannot read and write. There are 52,754 of the Roman Catholic population in the Fermanagh District who cannot read and write at all.

Mr. CARTON, Q.—But I take it you must have some principle to go upon.

10324. Surely one of the first principles you must go upon is that you must teach a man to read and write before he can be taught Greek.

Mr. CARTON, Q.—You must have some principle.

Lord Justice FRYGEORGE.—I told you that the result of all the tests came nearer to half and half than any other manageable figure.

Rev. Dr. MCELROY.—We wish to apply the same principle of distribution to all the localities, and taking all the localities together we consider that the Roman population are about half and half, but we shall be glad to get evidence on that subject, because it is a difficult point to determine.

10325. Lord Justice FRYGEORGE.—You may be ready to work the scheme at once, but others are not so, and we want to give a period for preparation during which we allow absolute discretion to each local board to apply its money as so ultimately to be most useful. We don't think we can do better than to give all a fair start on equal terms, and that was our reason for

dividing "half-and-half" during the preparatory period of three years.

Mr. CARTON, Q.C.—In Monaghan and Fermagh there is a population of 58,888, of which the Roman Catholics number 33,568, and the Protestants 25,480.

10326. Dr. TRAILL.—That is about 60 to 45, and the difference between that proportion and half-and-half is hardly worth the trouble of calculation.

Mr. CARTON, Q.C.—Taking a calculation of half-and-half is really skirting the difficulty.

10327. Rev. Dr. MOLLOR.—It was not to skirt the difficulty that we did it, but because we took the five areas together.

Mr. CARTON, Q.C.—That is what I complain of. 10328. Lord Justice FRINGHAM.—If you take the districts one by one, the result would be to destroy the interests of some denominations altogether in some places.

Mr. CARTON, Q.C.—I am only interested at present in Fermagh.

10329. You must excuse us for taking a wider view. And you might remember that we have been charged with unduly favouring you by adding Monaghan where there are 75 per cent. of Roman Catholics, whereas you have only 40 per cent. of the same population in Fermagh.

Mr. CARTON, Q.C.—I do not understand what is to become of Armagh during the first three years?

10330. Rev. Dr. MOLLOR.—The endowment of Armagh for the first three years must go to meet Dr. Morgan's vested interests, so far as it is absorbed by these vested interests; and the 20 per cent. minimum for the Catholic Board is to be provided by a poundage rate on the other endowments.

Mr. CARTON, Q.C.—But the scheme does not come into operation for the three years.

10331. It does, but so long as Dr. Morgan's vested interest continues, there is nothing to be got out of the Armagh endowment.

Mr. CARTON, Q.C.—That is what we complain of.

Lord Justice FRINGHAM.—It is not a matter of complaint. It is by law a price charge which we must either save or give due compensation for. Owing to his age, and to the value of his position, the value of his interest if paid for now would cripple the Armagh endowment for ever. If his interest drops during the three years, the contribution from the other districts comes at once.

Mr. JOHN ROOKE, Q.C.—The difficulty is obvious, but what we submit is that the present provision as to Armagh is unfair, and departs from the principle upon which the rest of the scheme is based. The net income of these Armagh schools appears to be £244. The scheme proposes to give out of that income £175 towards the expense of keeping up the establishment; £400 as the salary of Dr. Morgan; £150 as the salary of the Assistant Master, and for exhibitions, say £300 a year. The result will be to exhaust the whole income during the lifetime and continuance of the vested interest of Dr. Morgan.

10332. Rev. Dr. MOLLOR.—We are bound by our Act to provide for Dr. Morgan's vested interests, and that will absorb the whole endowment. Do you propose that his services in teaching should not be taken advantage of? Somebody must get the benefit of his teaching.

Mr. ROOKE, Q.C.—At present I only want to call attention to the manifest anomaly of the whole thing; and then a suggestion will have to be made as to how the difficulty can be solved, so as to bring about some more equitable arrangement. The houses and premises are to remain—and what for? It is said for the benefit of Dr. Morgan. Are they not to remain for the benefit of the Protestant Local Board, with the result that the whole benefit of this endowment is to go to the Protestants of the Armagh district for the lifetime of Dr. Moore Morgan?

10333. Lord Justice FRINGHAM.—Has not Dr. Morgan

got a freehold interest not only in his salary, but also in the schoolhouse?

Mr. ROOKE, Q.C.—He has a freehold interest in his residence.

Lord Justice FRINGHAM.—And in the school.

Lord Justice FRINGHAM.—You cannot possibly overstate the fact, and it may be taken down once and for all, that the practical effect of the scheme is that Dr. Morgan will receive substantially the whole income of the Armagh endowment as long as he holds his present position, and we are of opinion that as he has it now we cannot deprive him of it, unless we give him a sum of money so large that it would cripple the Armagh endowment, and run away with at least half of the Armagh capital for ever. As we therefore think that we must save his interest, we think we ought, in return, to require him to continue his teaching for the Protestants. What harm does that do to you? How will you benefit if we let him retire on full pay, and do nothing?

10334. Rev. Dr. MOLLOR.—You said you had a suggestion to make.

Mr. ROOKE, Q.C.—The suggestion is that Dr. Morgan's interest in his salary should be purchased, and if he has a vested interest in anything more, as he has of course in the residence, this goes for the benefit of the Protestant Local Board, and should be taken into account.

10335. Lord Justice FRINGHAM.—The scheme does that. The scheme allows nothing to the Protestant Local Board so long as Dr. Moore Morgan gets this endowment.

Mr. ROOKE, Q.C.—It appears to provide minimum and results fees.

10336. You, but both are written off against Dr. Morgan's allowance, and the Armagh Protestant Local Board can draw nothing whatever, either by way of surplus or minimum grant, out of the common fund until they earn more than the whole amount of Dr. Moore Morgan's vested interest.

Mr. ROOKE, Q.C.—The true effect of it is that the Protestants of Armagh get for an indefinite period, for the whole life of Dr. Morgan, a proportion of the endowment which is distinctly contrary to every other provision in your scheme. We object to that, and think it can be adjusted. There is no equality whatever in it, no reference to the needs of the district, to the number of Catholics requiring intermediate education—it departs altogether from the principle of the scheme. Is there no means of obtaining aid from the fund at the disposal of the Commissioners so as to give the Catholics of Armagh something in support of free education beyond this miserable 20 per cent.?

10337. Rev. Dr. MOLLOR.—We should be glad to do it, if you could show us how it can be done?

Dr. TRAILL.—Don't you think it would be rather an act of dishonesty to the Protestants if your argument was acted upon—if the Protestant school should be shut up in order to pay off the vested interest, and to give the Roman Catholics of Armagh speedy aid in their educational work?

Mr. ROOKE, Q.C.—What are you doing with Fortum?

Dr. TRAILL.—Perhaps has worked out its own closing. It is a fast-decaying school.

10338. Lord Justice FRINGHAM.—You are under a misapprehension as to what the Armagh Catholic Local Board will get under the scheme. We regarded this minimum grant as a sum which would enable them to start a school or to maintain the existing St. Patrick's College efficiently. The moment they got that done, they can compete with Enniskillen and all the other districts for the surplus of all the endowments. The only loss is the common loss which everybody has to share—namely, that so long as Dr. Morgan's vested interest lasts and is a prior charge, the amount of his vested interest will not go into the surplus nor be open for competition, we cannot take it from him, and the whole fund will be reduced by that amount.

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**Professor DOUGHERTY.**—I think the Protestants of the district have much more reason to complain than the Catholics of Armagh.

**Rev. Dr. MOLLOY.**—We have considered this carefully, and if you can give us any practical suggestion we shall be glad to receive it. It cannot be denied that the position of the Catholic Board of Armagh is anomalous, but it is the consequence of an Act of Parliament which we cannot override. Without going into the question of amount at present, do you suggest that we should provide for his interest by giving him a bulk sum to compensate him for that vested interest, and then visit Armagh on the same terms as all the other endowments?

**Mr. Roche, Q.C.**—Yes.

10339. Do you propose that the purchase money of Dr. Moore Morgan's vested interest should be taken from the Armagh endowment, or from the whole of the endowments put together?

**Mr. Roche, Q.C.**—That is a matter of detail that I have not considered.

10340. If you propose to take it from the Armagh endowment it will probably absorb the whole of it for a long period of years, and if you propose to take it from the bulk of the endowments put together, then you will have them all rising up in arms against you, because there are already some matters about our giving you even the 20 per cent. out of their funds.

**Mr. Roche, Q.C.**—But I observe from the same matters that even Mr. Curran does not agree that you are making an equitable disposition of the funds of the Armagh district. You should not be frightened by such matters, but be firm in your determination to arrive at a just and equitable distribution of these funds.

10341. **Lord Justice Fitzgerald.**—"Justice" and "Equity" are fine words, but they cannot do away with Dr. Moore Morgan's vested interest. If you can suggest any practical way of providing for his interest that will remove your objections, we shall be very glad of it.

**Mr. Roche, Q.C.**—The effect of dealing with the vested interest of Dr. Morgan in this particular manner is that the benefit of the whole of the buildings for this school goes to the Protestant Board free of rent. They get the full benefit of them.

10342. **Rev. Dr. MOLLOY.**—That is exactly the point I wanted you to come to. We consider, in the

interests of education, that being obliged to pay Dr. Moore Morgan the value of the Armagh endowment for an indefinite number of years, we are bound to get some educational work from him in return. Can you suggest any way in which you can get part of that educational benefit? If your clients should desire to avail themselves of the instruction given by Dr. Morgan, we will give you the benefit of one half of his instruction during the time he remains.

**Mr. Roche, Q.C.**—If the Commissioners will not put in operation the power which they have to purchase out Dr. Morgan it is quite obvious that there is no process of argument by which £214 can do the work of £1,000.

10343. **Lord Justice Fitzgerald.**—The scheme is framed on the assumption that in no view of Dr. Morgan's vested interest can we reduce its value below a figure which would, if we paid him off, leave nothing for the Armagh endowment.

**Mr. Roche, Q.C.**—As you have only the two funds—the local and a general fund—if you don't draw from the general fund a larger sum than this 20 per cent. of course the difficulty cannot be overcome.

**Mr. Bewley, Q.C.**—Your lordship, in alluding to the Curran school, stated that Mr. Prior Moore had been originally appointed as a salary of £300 a year, but that, owing to the inefficient way in which the school had been conducted, the salary was cut down in 1848 and 1849 to £100. Now, the facts of the case are these:—Dr. Moore was appointed in 1831, by Royal Letters Patent, and the very next year, in consequence of deficient funds, the salary was reduced. I was anxious to make that explanation because your lordship's observation this morning caused Dr. Moore some pain.

**Lord Justice Fitzgerald.**—I am sorry if anything I said caused pain to anyone, but I referred to the account given in the reports of 1859 and 1880 as to the reduction of Dr. Moore's salary, which is important on this matter of vested interests. If you look at those reports you will see that the Commissioners had funds enough, but reduced his salary against his protest, and treated him as not having an absolute right to it. It was reduced twice I think, and the reports state that the reduction was made in consequence of the condition of the school.

The Commissioners adjourned.

## PUBLIC SITTING.—FRIDAY, AUGUST 3, 1888.

In the Court of Chancery, Four Courts, Dublin.

Present:—The Right Hon. Lord Justice FITZGERBON, and the Right Hon. Lord Justice NAISH, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., D.S.C., ANTHONY TRAILL, Esq., LL.D., M.D., F.T.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Secretary, WM. EDWARD ELLIS, Esq., LL.B., and the Assistant Secretary, N. D. MURPHY, Junr., were in attendance.

THE ROYAL SCHOOL ENDOWMENTS, AND OTHER EDUCATIONAL ENDOWMENTS  
ADMINISTERED BY THE COMMISSIONERS OF EDUCATION IN IRELAND.

The same counsel, solicitors, and parties were in attendance.

Mr. Bewley, Q.C.—I have further particulars in reference to the Intermediate Examinations in which the names and addresses are given. In Armagh, 1886, there were 16 from Lurgan College, 7 from Newry Endowed School, 2 from Portadown Academy, 1 from Cathedral School, Armagh, 3 from College-street National School, and 5 from private addresses. These are Protestants—35 altogether.

Lord Justice FITZGERBON.—Dr. Morgan, who prepared these\* returns, has been already before us as a witness, and will kindly sign and read in the return.

Mr. Bewley, Q.C.—In 1886 there are five boys who give private addresses, and of whose origin or religion we know nothing. In the next year's return there are seven similar cases—in every other case the religion is ascertainable.

10344. Professor DOUGHERTY.—Can you distinguish between the various Protestant denominations?

Mr. Bewley, Q.C.—No, we cannot.

10345. How many years does your return cover?

Mr. Bewley, Q.C.—1886 and 1887.

The Most Rev. Dr. LOGAN (Roman Catholic Primate).—I have a word to say on this matter. The test proposed to be applied by Mr. Adkinson last evening for the purpose of ascertaining the number of persons likely to require intermediate education is a very fallacious test, because the greater number of our boys do not go in for the Intermediate Examinations at all on account of the limit of age. In the Armagh Sanitary we have twenty-five receiving intermediate education, of whom only four were able to go up for the examination as being within the required age. We have forty girls receiving education at our convent school, and the same do not send up any of their pupils for the same reason.

10346. Dr. TRAILL.—If the age for admission were lowered, would the same send them up?

Dr. LOGAN.—Apart altogether from the question of age, the same would send up their pupils for the Intermediate Examinations.

10347. What is the age that you complain of being too low?

Dr. LOGAN.—We don't want to alter the age test for the Intermediate Examinations, but we are giving a grammar school education to all our pupils, and yet there are but four of them whom we can send in for the Intermediate Examinations.

10348. What ages are your other pupils?

Dr. LOGAN.—Many of the boys enter the Sanitary between fifteen and sixteen, finishing the course there between eighteen and nineteen, and are then thrown out from all grades of the Intermediate.

10349. You don't call these "school boys"?

Dr. LOGAN.—The whole intermediate test is most fallacious in my opinion. In the next place, a num-

ber of our boys are going in for secular permits, and are educated at Blackrock, Castleknock, and elsewhere. Our secular school is Saint Mary's, Dondalk, where there are eighty-six boys; very many of them from the diocese of Armagh. But the pupils in Dr. Morgan's return sent in for Intermediate Examinations are from all parts of the country.

10350. Dr. Morgan does not send up boys to the intermediate examinations.

Dr. LOGAN.—He did formerly. But taking the boys that came up from a particular district is no test of the number of pupils who require intermediate education in that district. Some of the other tests brought forward here are most fallacious. I have heard of many tests both of the capabilities and the requirements of pupils in this age of supposed culture, but certainly for novelty, I never heard of any test like the one devised by Mr. Adkinson, that of the Government valuation. There has been a great deal said about Griffith's valuation of late years, but I never before heard of its being applied as a test of the capability of boys for education.

10351. It was not given as a test of education, but of the number of persons able to pay for the education of their sons.

Dr. LOGAN.—But you cannot argue against facts—and one fact is that persons of lower valuation are managing to educate their boys.

10352. They don't pay; they get assistance.

Lord Justice FITZGERBON.—On the question of valuation it must be remembered that the greater number of those needing intermediate education live in towns, where the valuation is much lower.

Dr. LOGAN.—I was engaged in the work of education myself for about twelve years, and if I had to put aside all the boys who in my experience were being educated, and whose fathers were under £30 valuation, it would totally misrepresent the needs of Catholic education. That a boy's ability, and the utility of giving him a good education are to be measured by the amount his father pays for his farm, is ridiculous.

Mr. Bewley, Q.C.—I am prepared to prove that in these two years no boys were sent up directly from the Armagh school to the intermediate examinations so that the return is practically against us.

Mr. J. J. SHAW.—In general terms the Education Committee of the General Assembly, having very carefully considered this scheme, are, on the whole, perfectly satisfied with it, subject to a few details which I will mention immediately. They assent entirely to the principle of the minimum grant, but there is just one point in relation to it which they wish to bring before the Commission. It is left entirely to the discretion of the Local Boards whether they shall give the whole of the minimum grant to one school, or distribute it among several, and they have the absolute discretion to which school, or to which of several schools

\* See Appendix B, No. LXIV, pp. 642-651.

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in their district, fulfilling the conditions, the grant shall be given. It has occurred to me that possibly the scheme would work better if definite provisions were put into it in relation to the allocation of the minimum grant. In the first place, if the minimum grant be really the least sum that would be of substantial use to a school, it ought to be concentrated upon one school under the Local Board, and that the Local Board should not have power to make it anders for the purpose intended, by scattering it over two or three schools.

10353. Lord Justice FRYGROUSE.—We are rather surprised to hear you open this view. It was our wish to have the minimum grant applied to only one school, but we were afraid of opposition from the Presbyterians if we compelled each Protestant Local Board to give it all to one school.

Mr. Stans.—Our view entirely turns upon the grant being really a minimum grant.

10354. Lord Justice FRYGROUSE.—It is, in our opinion, as small a sum as would be of substantial use.

Rev. Dr. MILLER.—It is to be borne in mind that in a particular district there might be more than one school which would have such assistance from other sources, that something less than the minimum grant would be a substantial aid to them, and the Local Board might think it desirable to divide it between schools having such other source of income.

Mr. Stans.—If the sum is the smallest that would be of any use to set or keep a school afloat, it should be given to one school only, otherwise the effect of the whole grant would be destroyed if the small sum which was the minimum for one school were distributed over several.

10355. Lord Justice FRYGROUSE.—We are giving to the bodies which we are trying to create the fullest freedom, which we regard as the best assurance of success. Our object has everywhere been to try to create good governing bodies, and then to let them govern themselves. To get any part of the grant the school must be a considerable school, and at present we do not think that there is a single one of these districts in which more than a very small number of schools could qualify; as a matter of fact in some of them there is but one possible school for each denomination at the present time.

Mr. Stans.—If there is only one qualified school it would get the whole grant.

10356. Lord Justice FRYGROUSE.—Certainly. Therefore, in that case, your argument would not apply. If there were two or more qualified schools we would wish the local governing body to be free to use their discretion either to divide the endowment or to concentrate it. In Armagh, for instance, Welles' School, Lurgan, has existed for some years, and plays an important part in the educational work of that district. The Protestant Board might give the grant to the Armagh Royal School alone, supposing they kept it up under the scheme, or might give a grant to the Lurgan school. We wanted to leave it open to aid one school or more, and if different denominations had each a school, each might get a share, or if there was only one good school in the district the Board would devote the grant entirely to that school. In Raphoe, for instance, there would probably be but one, and that mainly a Presbyterian school.

Mr. Stans.—There are no special conditions attached to the school which gets the minimum grant, and we are of opinion that if one school gets the whole of the minimum grant, there ought to be special conditions of educational efficiency attached to that school more than the usual conditions which attach to other schools which receive only a share.

10357. Rev. Dr. MILLER.—There is one special condition, and that is that they must continue to possess the qualifications laid down in the scheme.

Mr. Stans.—But that is not a condition of educational efficiency.

10358. Lord Justice FRYGROUSE.—The general conditions are intended to be so framed as to secure efficiency in all schools qualified to receive any share of the grant.

Mr. Stans.—We think that there ought to be special conditions under the circumstances I have mentioned.

10359. Rev. Dr. MILLER.—There are special conditions as to the number of pupils, but you propose to reduce that number.

Mr. Stans.—Yes, in the matter of pupil fees.

10360. Lord Justice FRYGROUSE.—Is not that hostile to your present contention?

Mr. Stans.—No. We don't want that condition to apply to the schools getting the minimum grant. I submit that the school which gets the minimum grant ought, at least, to have twenty-five pupils in attendance, but that any other schools getting results fees should not be required to have more than ten.

10361. Dr. TRAILL.—Does not that rather work against your printed objection?

Mr. Stans.—It does not refer to those who are to get the minimum grant at all.

10362. Dr. TRAILL.—Yes, but it refers to section 45 which applies both to the residue and the minimum grant.

Mr. Stans.—That objection was intended to apply only with reference to results fees.

10363. Dr. TRAILL.—It is very important that you should state that now.

Mr. Stans.—We are anxious with regard to small schools in a district, but the Presbyterians think that small schools at frequent intervals through a district are not so satisfactory, and that it would be better for future interests if one large school were supported; and, therefore, we submit that as the Intermediate Education Commissioners have fixed ten pupils as the standard of intermediate schools in efficient operation, we ask you to take the same number of ten pupils receiving intermediate education as the condition for results fees, but that the limitation of twenty-five should apply to the school getting the minimum grant.

10364. Rev. Dr. MILLER.—I wish to call your attention to one point in connection with your objection to which you are now referring. Your proposal is that the number of pupils required to attend the school should be reduced to ten. And that the number who pass the examination should be one for every five pupils in regular attendance at the school. The effect of this proposal, if adopted, would be that a school having 100 pupils that would pass nineteen would be disqualified, whereas a school that had ten pupils and passed two would be qualified.

Mr. Stans.—Well, you thought that was a correct test of educational efficiency.

10365. And do you really propose that a school with 100 pupils that passed nineteen should be disqualified, and that a school that had ten pupils, and passed two, should be qualified?

Mr. Stans.—Yes; because the true test of educational efficiency is not the number, but the proportion that passes.

10366. Then you think a school is less qualified that passes nineteen than one that passes two?

10367. Lord Justice FRYGROUSE.—A school might be disqualified by the existence in it of a preparatory department. In fact junior or preparatory pupils would disqualify a school which might get a large grant if they were not taught in it.

Mr. Stans.—Those numbers all refer to those receiving intermediate education.

10368. But pupils too young to go up to the examinations may be receiving intermediate education. For example, a large school which maintained a junior or preparatory department attached to it would be dis-

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qualified from receiving any share of the Royal endowment—through your objection—while a smaller school preparing and passing a less number of pupils, but without any such preparatory department, would suffer from no such disadvantage.

Mr. Stow.—I think that difficulty could be met.

10368. Lord Justice FRYGROUSE.—It can be met by leaving the scheme as it is.

Mr. Stow.—I don't think so, because the scheme fixes an arbitrary number for passing, no matter whether the school has 200 or twenty-five pupils—they are qualified if they pass ten pupils. We say that a school with 200 pupils in attendance that is only able to pass ten is not a school showing a high state of educational efficiency at all; whereas a school with ten pupils that is able to pass two boys is a very good school.

10370. Rev. Dr. MOLLAY.—Then your argument is that if a large school with 100 boys passed nineteen it should be disqualified, whereas another with 10 pupils if it passed two should be qualified?

Mr. Stow.—Yes, that would be the result, taking the proportionate numbers.

10371. Then is the school that passes nineteen doing less educational work?

Mr. Stow.—It is a less efficient school from an educational point of view.

10372. Dr. TRAILL.—It is not less efficient as regards the nineteen pupils it passes, whereas there must be something radically wrong with a school that has only 10 pupils, and only passes two.

Mr. Stow.—A school may be small not from reasons of educational inefficiency, but from the circumstances of the district in which it is situated.

10373. It is a very bad school that is so small as that. You would not have an efficient staff of masters for so few boys. You would have one master teaching all the subjects to the boys, and that always results in bad education. A large school with plenty of masters dividing the subjects is much better.

Mr. Stow.—You must take things as you find them, and if you have a country school where you could not have 100 pupils, but where you have a smaller number, and if that school is well conducted and the same proportion of your pupils pass the examination that a large school is able to pass, surely that is a true test of educational efficiency?

10374. Lord Justice FRYGROUSE.—It may be a test of educational efficiency suitable to a village school, but it is not a test as to whether it is a school of the class to which this endowment ought to go. Your argument raises the question whether this endowment should not be applied for grammar schools of substantial size.

Mr. Stow.—It depends upon whether you should encourage large or small schools.

10375. Lord Justice FRYGROUSE.—We have only a small sum of money, and we think we apply it to the best advantage by confining it to a small number of considerable schools.

Mr. Stow.—The minimum grant will go wholly to the large schools.

10376. Lord Justice FRYGROUSE.—Then why is not the machine to go to similar schools? You admit that the Local Board may be compelled to spend the whole of the minimum grant upon one, and if that is a big school it must have a large claim to the residue also.

Mr. Stow.—I think that ought to be accompanied by stringent conditions that would compel a school receiving that grant to give strong evidence of educational efficiency.

10377. What conditions do you suggest?

Mr. Stow.—First, that there should be an increased number of pupils, and, if necessary, an increased proportion of passes.

10378. Rev. Dr. MOLLAY.—What number do you propose?

Mr. Stow.—At present the suggestion is that there should be at least twenty-five, but we propose that any school having ten pupils receiving intermediate education and passing two, should be eligible for results fees.

10379. You propose to leave the scheme as it stands for the exclusion of small schools from the minimum grant, and to reduce the qualification for the schools that share the results fees?

Mr. Stow.—Yes, and, if possible, to have imposed some more stringent conditions as to efficiency, over and above numbers, as regards the school getting the minimum grant.

10380. What more stringent conditions do you propose?

Mr. Stow.—That a large proportion of passes should be required in the case of schools getting the minimum grant.

10381. What number would you say?

Mr. Stow.—I propose that for every school receiving results fees ten in five.

10382. Dr. TRAILL.—There might be a large number of stupid pupils, and the clever boys only would be taught.

Mr. Stow.—You must take an average. The Education Committee which I represent are entirely in favour of dividing the whole of the results fees over all the districts, and not confining the income of a particular district to that particular district.

10383. Lord Justice FRYGROUSE.—It is right to point out that your arguments, when you come to practice, seem to neutralise each other. If you reduce the qualification of the schools sharing the surplus, you increase their number and lessen the amount which each will get. On the other hand, if you distribute the surplus by results over the whole area, the very fact that you extend the area will attract the greater part of it to larger schools, therefore the schools that will suffer by increasing the number of small schools that are to share, are the biggest schools in the whole area, but those will be the very schools on which you want to impose special conditions, namely, the minimum grant schools, and so you will be injuring the best schools by withdrawing from them the amount of all the small grants expended upon the smaller ones.

Mr. Stow.—Surely if a school becomes large by attracting boarders from other districts—we have been told boarders are the best paying pupils—and, therefore, if a school by educational efficiency is able to attract from other districts a large number of boarding pupils, it will be thus, *pro tanto*, rendered independent of results fees and it is not at all so necessary that it should get them.

10384. Lord Justice FRYGROUSE.—The object of your argument is to administer the endowment like cod-liver oil to consumptive patients, rather than giving it as food to healthy persons.

Mr. Stow.—We want the endowment to be administered to perfectly healthy subjects. We don't want to give the grant to inefficient schools; we only want that when a healthy, good working school is maintained that it shall not be shut out from a share of the endowment because it happens to be a small school, which may be the result of its circumstances and not from any fault of its educational efficiency.

10385. Rev. Dr. MOLLAY.—You are in favour of distributing the surplus over the whole area?

Mr. Stow.—Yes, and for this reason—that the result of confining the results fees to each particular district would be, for example in Fermanagh, where there is a very large surplus to be distributed, and a very small number of pupils obtaining results fees,—that the results fees in that case would be enormous; whereas in the case of Raploe where the local endowment is very small and the number of pupils who would obtain the results fees might be large—the results fees would be miserable.

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10381. Dr. TRAILL.—How many teachers would you have in a school of ten pupils which passed two? What appliances could there be for education there? What money would the master have to pay for assistants? The whole education there would depend on one man teaching, every day, every boy of every age, every subject.

Mr. SHAW.—If that man is able to pass his pupils, shouldn't he be paid for the result?

10382. Dr. TRAILL.—It is a very bad result.

Mr. SHAW.—It is a very good proportion, which is just the same.

Dr. TRAILL.—You might just as well say that if a governor passed a clever boy out of a private family it would be a good general educational result.

Rev. Dr. MOLLOY.—I think you are confounding two things, Mr. Shaw. No doubt it is a very creditable thing for the master to do, but it is not a very useful thing for the general education of the country, because these boys, as Dr. Traill has pointed out, of every age, would have to be taught every subject by one master.

Mr. SHAW.—Surely it simply comes to this: is this Commission to say that the educational efficiency of a country is best promoted by shutting out from education boys who are unable to come up to a large centre?

10383. Rev. Dr. MOLLOY.—I think that education should be brought home as far as possible to everybody, but I don't think it should be done with this sort of endowment, which was manifestly intended for intermediate schools; I think we ought to take care that the schools which get a share of this endowment are bona fide intermediate schools. That would be my view. But I think we understand you now.

Mr. SHAW.—There is one objection to which we attach a considerable amount of importance in section 44, the reading of the word "shall" for "may." We think it ought not to be left optional to the local boards to claim for an intermediate school within their district that fulfils the conditions. We think it ought to be made compulsory wherever an intermediate school fairly attains the conditions laid down in the scheme, it ought to be compulsory on the local board to claim for it. The local board should not have it in their power to pick and choose among the schools that are efficient in their district—or to which should get the results and which should not.

10384. Lord Justice FRASER.—Under the scheme the local board cannot claim for any school, unless it is managed by the local board itself, or by a school committee. Would you propose if a private master set up a school in opposition to the local board's schools, that they should be compelled to pay him?

Mr. SHAW.—Why should not any school be paid that complies with the conditions?

Lord Justice FRASER.—We could not allow every school that taught a certain number of pupils to come in for a share of this money; if so, any private master setting up a school of his own in opposition to the local school, and working it as a private speculation, would have the right to share this public money. We give this public money only to some sort of public institution open to supervision.

Mr. SHAW.—The next point is one which I understand the Commissioners would be glad to adopt, that mixed schools of boys and girls should be qualified. But there is another point of importance, that no results fees should be paid in respect of any pupil unless the pupil or his parents reside within the district. This is to carry out more fully the basis of this scheme to promote the educational interests of the district. We think it would be unfair that a school supplied largely, or perhaps altogether, not from the district, but from outside, should be receiving results fees and minimum grants in respect of pupils who do not belong to

the district by birth, connection, or otherwise. If a school, like the Royal schools of Dungannon or Armagh, depends largely for its support upon supplies drawn from all parts of the kingdom, surely that means that it is a large boarding school, and that it would derive a very large income from boarding pupils, which are the part of a school that pays best. Surely that is a sufficient encouragement for bringing in pupils from a distance without at the same time giving them results fees, intended primarily for the protection of the education of boys born in the district; therefore we submit that results fees should not be claimable in respect of any pupils not connected with the district either by birth or by their parents' residence.

10385. Dr. TRAILL.—Would it meet your view if we were to put in a condition that each school should have a certain proportion of day boys? Would it not be very hard on a highly efficient school, in which the education of the day boys ought to become more efficient owing to the school keeping a large staff on account of boarders, that they should not get results fees for pupils coming from a distance, and that one set of pupils could earn results fees and the other could not? I think your objection cannot be a good one, for a school could hardly be a very efficient boarding school that had no day boys at all. If the school had a certain number of day boys, would it not meet your requirements?

Mr. SHAW.—Our real objection is that the boys who come from a distance do not require, as a general rule, any assistance in their education at all—they are well able to pay for their education, and for their board, and they support the school and are a great benefit to it by coming from a distance.

10386. Rev. Dr. MOLLOY.—We don't regard it as giving help to the boys coming from a distance; but as giving help towards making the school a thoroughly efficient school in the district. When a school proves its efficiency by attracting boys from all parts of the country, the boys of the district gain the advantage of having a thoroughly efficient school in their immediate neighbourhood, and such a school we consider entitled to be maintained out of the endowment, in a degree proportionate to the work it is doing.

Mr. SHAW.—Supposing a school, either by a prohibitive tariff or otherwise, becomes a school for the children of the richer people from a distance who send their sons as boarders, and that the boys of the district do not or cannot avail themselves of the school, how does the existence of that school in the district help the education of the district?

10387. Lord Justice FRASER.—In any such case the local board would not recognize the school. They are the people to fix the fees, and to see that the boys of their own district get the full benefit of the endowment under their management.

Mr. SHAW.—There was evidence before all these Commissions that where a school became a large school owing to the influx of pupils from a distance, the local supplies always stopped.

10388. Rev. Dr. MOLLOY.—We consider that in placing the school under a local board we are taking the best means of protecting the educational interests of the locality. You seem to assume that the local board will be so neglectful of their locality that they will administer this fund so as to exclude their own boys from the benefit of education. We think, on the contrary, that they will have the sagacity to establish an efficient school, and that they will take pains to secure that the boys of the neighbourhood will get the benefit of it.

10389. Dr. TRAILL.—Don't you think that the history of these schools shows that instead of the prospect of large fees in the future there is far more likelihood, if they are to do their work efficiently,

that they will have to come down very much in their terms.

Mr. Shaw.—I think the application of these endowments to the promotion of education within the district will be best secured if you see that the results fees are paid only for boys who practically belong to the district.

Dr. TRAVIS.—And that would mean only for the day boys. You may as well say it at once.

Professor DOUGHERTY.—There is another point you have not touched upon. In this scheme we deal more or less with the endowments on denominational principles. Now, would it be a fair thing for a denomination which had no boys in a locality to establish a great school, and by attracting boys in considerable numbers from other parts of the country to swallow up a large share of this endowment in results fees for that particular establishment? I must say I don't think that would be a fair application of the endowment.

Mr. ARTHUR, &c.—That is exactly my objection.

Lord Justice FRYGROVE.—That could not happen unless the local board chose to recognise the school.

Mr. Shaw.—The local board might be so constituted that it would.

Mr. ROBERTSON.—On behalf of the Methodists, I object to the local board being fettered. We say the local board should be left unfettered to act in the interests of the locality.

Mr. John ROSE.—I have something to say on the subject of the basis of distribution on behalf of the Protestant Board of the Cavan district, and I differ with all my learned friends who have already addressed the Commissioners. I cannot see how you can have accurate data, and I think that all you can arrive at is a rough approximation. By taking half-and-half, that would correctly represent the proportion in the county Cavan of both religions who are likely to require intermediate education. With regard to the provision as to the first three years, we think it a very wise provision, that all parties should have some time to set their houses in order, and to put themselves into position for taking advantage of the scheme when it comes into operation. As to the university grant, I have no objection to offer, but to the division of the results by the results fees I am altogether opposed. It is not through our fault that it is impossible to educate all the boys of the district together. Those whom I represent would have been very happy indeed if the Catholics and Protestants could have been educated side by side at the same school, but that is out of the question, and the Commissioners have been driven to take the view that they are to be educated denominationally. So far as the university grant is concerned you have made the distribution share and share alike. But I ask you to go further, and not to adopt the system of results at all—it could not work. I ask you to continue the same system that you have resorted to in the case of the minimum grant, and to give the results share and share alike—an equal share for the Protestants, and an equal share for the Catholics. Whether they compete among themselves or not, I don't consider for the present it would make as much difference as a competition between the Catholics and Protestants for results fees, for I think that would break up the whole system. The system adopted in this scheme is likely to cause the greatest friction and to embroil these parties in quarrels with each other.

10395. Lord Justice NAIK.—Is there any friction in the working of the present system of intermediate education?

Mr. ROSE.—No, and if the results were ascertained by the appointment of examiners, the result might be equally satisfactory.

10396. Lord Justice FRYGROVE.—They are, as a matter of fact, to be ascertained by examinations of recognised value, or held by public authority.

Mr. ROSE.—You must take into consideration more than the intermediate examinations.

10397. Lord Justice FRYGROVE.—Certainly, but the Commissioners must be satisfied that they are proper tests.

Mr. ROSE.—Of course, I see what you aim at in this schedule of results. That the school which did the most school work was to receive the most reward. As a test of the school work you took into consideration the tests you had at hand in the intermediate examinations, but in addition there are a number of other results by which the efficiency of a school can be tested—how many boys the school puts into a University, into the Indian Civil Service, Sanfluent, or Woolwich, or how many pass the examination of the Solicitors' Appointments. There are any number of tests which show whether a school is doing good work; and it would be a monstrous thing to leave these out of consideration and to adopt the intermediate examinations alone as the test. Very well. Let us see how the scheme works. If you look at these other matters at all you must consider them proportionately; it is not fair to put upon a matriculation examination the same amount of marks as you would put upon a less important examination. You must give as many marks for a matriculation examination, different from the number which you would allow for a scholarship examination, for the Indian Civil Service, and so on. You allow for the examination for all the Universities the same thing. That is not fair. It is quite possible that some University, for the purpose of attracting pupils, may lower its standard for matriculation. In fact you are endeavouring to compare things that it passes the wit of man to compare, you are balancing examinations varying in their character and which you can by no means estimate properly.

10398. Rev. Dr. MOLLOY.—There is a great deal in what you say, and it has already received consideration from the Commission and will receive it; but it does not appear to be so serious a difficulty as to make the scheme unworkable. You very fairly say that we cannot come to an exact valuation of the different kinds of examinations that different pupils pass. We cannot give exact values to the scholarship, exhibition, or entrance examinations of Trinity College, or the examination for entrance to the Royal University—we can only take a rough computation of respective value. That is true; but a system exactly like that has been in operation for several years in this country without friction, because results fees are given to pupils at the examinations under the Intermediate Education Board, and it was fixed in the schedule of the Act of Parliament that a certain amount of results fees should be paid for pupils who passed in the senior, middle, and junior grades. Amongst those who pass in the senior grade there are various degrees of excellence. Some get exhibitions, some get prizes, some get high places, some get medals for excellence in special subjects, but the same results fees are paid for each pupil that passes. The same is true in the middle grade, and also in the junior grade. That system has worked for many years without friction; and so also, we may hope, will ours.

Mr. ROSE.—I think what you have said to meet my argument only carries you a certain way. The difference between the cases is, that although there are different degrees of excellence yet still there is but one standard—the direct examination in the intermediate system. It may be a rough test, but still it is an approximation. But this is not in the same way with the proposal put forward in this scheme where you have different examinations and where you attempt to weigh one man against another by reference to these examinations.

10399. Lord Justice FRYGROVE.—Are you not weighing the wrong thing? You don't want to weigh

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the pupils, you want to weigh the amount of labour spent by the schoolmasters upon them. A master would probably rather prepare three clever pupils for scholarship than pass one stupid or backward one for the intermediate. Witness after witness told us that we must not differentiate these examinations too widely, as the result would be that a series of cramming establishments would be got up in which the clever lads who would gain credit for their teachers would be taught, and the ordinary or stupid boys would be neglected.

Dr. TRAILL.—Allowing your argument to be good as between mere passes, and passes with honours, you must see that all who compete at the intermediate examinations of every grade are practically examined by the same examiners. But when you come to the entrance to different Universities, they are examined by different examiners, and the test is different.

Mr. Ross.—Certainly. You have recognised standards competing with the examinations of Maynooth College, and for Solicitors' Apprentices.

10400. Professor DOUGHERTY.—Maynooth is not in the schedule.

Mr. Ross.—I thought it was.

10401. Rev. Dr. MOLLOY.—We would propose to attach a different value to the matriculation for Maynooth, from that for the examination for Solicitors' Apprentices.

Mr. Ross.—That is practically impossible. You could not find any universal criterion that had been all round these different examinations, for not merely the books, but the subjects and the method of examination are different.

10402. The object of this endowment is to assist schools to prepare young men for a career in life. And when they have prepared a number of young men efficiently for their career in life, we think they are entitled to share in the endowment. We know the tests of a young man's preparation for a career in life, and when a boy passes the Solicitors' examination, we attach a certain value to that; and if he is prepared for an ecclesiastical career, and enters Maynooth College, we attach a certain value to that. But we estimate the amount of the educational work done by the number of young men prepared efficiently to enter upon a literary, scientific, or professional career.

Mr. Ross.—That looks very well when stated, but how can any man put even an approximate value upon two examinations conducted by different persons for different careers, involving a different style of education? To enter the Indian Civil Service requires a first rate man, to enter upon other careers only requires an average intellect, and an average examination.

Rev. Dr. MOLLOY.—My answer is that we must not do an attempt to attach an exact arithmetical value to each examination, but we do establish different standards, and we attach a different value to each standard, and there is nothing in all you have said yet which shows that the system is unworkable;—which was the point that you started to prove; because the difference between the different pupils in any one grade which we have established is no greater than the difference between different pupils in the several grades of the intermediate education examinations, which have worked smoothly. I would venture to say that the difference of educational status between the first and last pupil of the senior grade of the intermediate is at least as great as the difference in any of the schedules which we have drawn.

Mr. Ross.—Comparing this with the intermediate is a complete fallacy, because there you have a definite standard, and you can arrive at an approximation even though it may be a rough one.

Lord Justice FRANKENSON.—A definite standard of what? I apprehend your objection would not arise

if the scheme was confined to passes in the intermediate. We give two marks for the junior grade, three for the middle grade, and four for the senior grade. We allow the same marks only for a medal, list or exhibitioner as for a pupil who has passed in the minimum number of marks in the minimum number of subjects. There is no similarity whatever in the standard attained by the pupils. The young man who gets the first place in the senior grade is probably one of the best educated young men in the country, whereas the last on the list may be a young man of very small attainments, but we treat them as alike for our purposes, because, in order to get a place at all, probably the last has taken as much out of the schoolmaster who has got him through as the first has, and the two schoolmasters have an equal claim for work done.

Mr. Ross.—So far as your test relates to the intermediate examinations I don't object to it.

10403. Then why, though it can only be done roughly, is not the same principle to apply elsewhere? The object of all intermediate education being to prepare pupils for careers requiring literary cultivation, every young man who has been enabled to start on such a career represents one item in the number turned out complete as it were, on whom an intermediate school has done its full work, whether that young man goes to Maynooth, to Trinity College, to India, Sandhurst, or the Apothecaries' Hall, his teachers have done their duty, and it is his own choice which selects his calling. He has got all he wanted from the school, and I would give the minimum number of marks for it. The head of one of the Diocesan colleges said that the intermediate examinations were not a fair test of the work of his college; "for example," he said, "we have twenty-three pupils already holding dispensary districts, and we are entering two more districts now"; and he contended that those twenty-five young men represented no amount of educational work for which he should be paid.

Mr. Ross.—And would you propose to give him credit for that?

10404. Lord Justice FRANKENSON.—I would give him as much credit for each dispensary doctor as for each boy passed in the senior grade, because I regard his school as having turned him out fully complete for what he wanted. I, of course, for the present purpose, limit the principle to cases where a literary education of a high order is required.

Mr. Ross.—My objection is that you cannot, with any degree of accuracy, say how much credit a particular school should be entitled to for each pupil. You give a certain amount of credit for every boy that is turned out successfully on his career, but not anything like accurately. It does not deserve even the name of approximation, in the nature of things careers are so different that it is just the wit of man to arrive at anything that would be a test. Would you allow nothing more, for instance, than you allow for the matriculation examination, an entering university, for the Indian Civil Service, or for the College of Surgeons examination? and yet that is only the beginning. In order to see the amount of school work done you would have to consider also the number of boys sent to business from an intermediate school.

10405. There I meet you with the intermediate test; boys going to business either want a literary education or they do not. If a boy wants a literary education we take him as having got it if he has passed the publicly recognised intermediate education examination, if he does not pass that examination we consider that he has not got a literary education, and that is the particular grade of education which should be paid for from this grammar school endowment.

Mr. Ross.—I think it is going too far to say that

boy going to business would have all his wants satisfied by the system of the Intermediate Education Board.

10406. Dr. TRAILL.—Do I take your argument correctly in supposing that your objection to Schedules I. and II. of the scheme is that you would prefer that they should embrace for larger subjects of examination for boys who are being educated for professions, but that boys who have not got what you consider a proper grammar school education should be excluded? Would your objection be met by such a definition of grammar school education as would render it a little more stringent?

Mr. Ross.—It would meet it to a certain extent. We agreed this portion of the scheme with the utmost hesitancy, and we do not think that in working it will stand the test at all. There will be continual complaints, and changes and counterchanges, not among the heads of the great bodies, but from jealous schoolmasters, who, competing with one another, would draw in a perfect apple of discord. I think we are agreed that the matter should be settled now, once and for ever. And I object to automatic changes in the middle because we all foresee all manner of difficulties, which we would be sorry for.

10407. Lord Justice NAUGHTON.—Supposing the test were confined to the intermediate examinations, would that meet your view?

Mr. Ross.—Certainly not. You would not be giving credit to the really good school, the real working of the school would not get credit under that, and therefore the intermediate examination would not be enough. It is absolutely impossible, by any approximation, to give fair play to a school in respect of these matters. Changes in this matter are very much to be deprecated. You are now dealing with what is not a very large fund, and there is no possibility of its ever becoming larger. And the opportunities are now exceptional of having the matter settled on a definite basis, once and for all, so that we need have no more chipping and changing and no more increasing or diminishing on one side or the other. I don't think that there can ever be a possibility of a more searching inquiry than has been made by the present Commission into the facts of this case, and, if your lordship will permit me to say so, I think the scheme is one of the most workmanlike documents that I ever read, and that it shows a great amount of labour, and of care, and of consideration for the rights of all classes. A Commission of this sort may not be in operation again in the course of ten years, so that, as I have already urged, the present is a most favourable time for dividing the money once and for ever, so that you stop all disputes between these great parties.

10408. Dr. TRAILL.—What is your idea of a fair division?

Mr. Ross.—I take the basis of the minimum grant, and give them half-and-half each. If the Protestants and Catholics are to compete among themselves, all the objections I have made to Protestants and Catholics competing would equally apply. In this country as far as examinations are concerned, we have got quite enough of competition. I advocate simply handing over to each the money to which they are entitled according to the original calculations that apply to the minimum grant. Take the case of the people I represent on one side, and that Mr. Drummond represents on the other. You give to each of us 25 per cent. of the minimum grant, and I say divide the residue in exactly the same way.

10409. Lord Justice FINCHAM.—Would you divide each endowment half-and-half, or the whole fund half-and-half?

Mr. Ross.—I would divide each endowment half-and-half.

10410. Would that satisfy the Tyrone people, where

there are only 48,000 literate Catholics, and 68,000 Protestants. In the Cavan district, where you are willing to take half, there are 58,000 literate Catholics against 21,000 Protestants.

Mr. Ross.—You cannot do exact justice in the matter. You have to consider that the Catholics are coming in now for a share of those endowments from which it was thought right to exclude them formerly.

Mr. Drummond.—The test of the proportion in the population of literate people is utterly fallacious.

Mr. Ross.—I am disgusted with all these arguments about illiterate and literate people.

10411. Rev. Dr. MONTAGU.—If we came to the conclusion that the scheme, as it now stands, would work with such an amount of friction as you anticipate, we could hardly press it in its present form. But that anticipation is very much a matter of opinion; and we must take into account how far the other parties interested agree with you, and if the preponderating opinion is against you, we might be disposed to give our scheme a chance of working. Whom do you represent?

Mr. Ross.—The Diocesan Council of Kilmore, and the entire Protestant Board, including the Presbyterians and Methodists, of the county Cavan.

10412. And you give us the deliberate opinion they have formed.

Mr. Ross.—Yes, their most deliberate opinion.

10413. Dr. TRAILL.—Would you be satisfied if each endowment was divided in proportion to the literary population of the Protestants and Roman Catholics of the district?

Mr. Ross.—Having got the data before me, so far as Cavan is concerned, most decidedly not.

10414. In the result the Roman Catholics would obtain about half for the whole of the five counties—

Mr. Ross.—I think a fairer way of distributing it would be locally. The original intention was that what was raised locally should be spent locally, and you would find much simpler machinery needed to divide the local funds half-and-half.

10415. Your argument is that we should divide each endowment between the literate populations of the district equally.

Mr. Ross.—I don't think that the questions of the literate and illiterate population are worth serious consideration, and the solution is most misleading—in fact the most misleading thing of all is the test of the literate population. It appeared to me that the numbers of people receiving intermediate education in the county Cavan were about half and half, and I think you will find that in the county Cavan and everywhere else the equal division will work fairly enough. It is not perfectly accurate, but I think this best and fairest scheme that could be put forward is that which would give the Catholics half and give the Protestants half, and so prevent them from embroiling themselves in any disputes by the system of resale fees. At a later stage, I will ask you to hear me on the subject of taking away this 25,000 from the county Cavan.

Mr. Aldison, Q.C.—Since yesterday I have got some figures showing the valuation, which was the basis I proposed. I have not got all the returns, for in some cases they are not completed; in others the clerks of the Unions have refused to supply them. I have, however, the returns complete for Fermanagh at over £20 valuation; in the county Fermanagh there are 498 Protestant rated copyholders and 75 Roman Catholic rated copyholders, so that 498 to 75 is the proportion upon that figure. The Clerk of the Union in Clonoe returns 53 Protestants and only 15 Roman Catholics holding at over £50 valuation. In Opeahill Union there are 52 Protestants and only 3 Roman Catholics who pay rates on a valuation at or exceeding £50. The Clerks

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of the Union at Monaghan and Castleblayney have refused to send returns, but if you think it worth while to direct your secretary to apply for them, I have no doubt you would get them.

10416. Rev. Dr. MOLLAY.—The Protestants of Fermanagh have sent in an objection stating that if they do not get the buildings of the Parish school it would be impossible for them to provide means of educating their sons; at the same time they say that they have hitherto competed at immense disadvantage against the Catholics in regard to intermediate education because the Catholics have provided a magnificent school at Monaghan where they give their boys at a very moderate cost an excellent education. Now how do you defend your argument that the want of intermediate education is to be determined by that return which shows that the Protestants have a much larger property in the country than the Catholics; when they say that it would be impossible for them even to provide the buildings of a school, whereas the Catholics have provided magnificent buildings, and a complete educational staff to give intermediate education to their boys?

Mr. Atkinson, Q.C.—I shall deal with that when it is open to me to discuss the propriety of the provision for taking away these structures. At present I only give this return as one of the means of ascertaining what was the population in Fermanagh and Monaghan when one would suppose to require intermediate education.

10417. But notwithstanding this high valuation, they say it is absolutely impossible for them to provide school buildings, whereas the Catholics, with a much lower valuation, have provided splendid buildings and an educational staff.

Mr. Atkinson, Q.C.—That would require you to go into the question of how much money was got in Fermanagh to construct St. Macartin's Bazaar.

10418. Does it not throw some light on the demand for intermediate education amongst the Catholics as against the demand amongst the Protestants?

Mr. Atkinson, Q.C.—Certainly not; that gives credit to the Roman Catholic population, who require intermediate education for constructing St. Macartin's.

10419. Do you mean to say that they have not constructed it?

Mr. Atkinson, Q.C.—It is there, but I have no means of ascertaining whence the money was obtained that made it.

10420. Whether they provided it themselves, or whether they went abroad and got it elsewhere, is it not proof that there is so much desire for intermediate education amongst the Catholics in that district?

Mr. Atkinson, Q.C.—I don't know where the pupils come from, and I don't know where the money came from.

10421. You admit that the building is there, and that its erection is owing to the efforts of the Roman Catholics in the locality.

Mr. Atkinson, Q.C.—I don't admit that it is owing to the efforts of the Catholics in that locality. I don't know where it came from. I have not got these returns for the valuations of £40 and £50. I would be glad to know what evidence you require of the authenticity of these returns. Would you be content with the signature of the Clerk of the Union.

Lord Justice FRYGROVE.—Let him sign the return at the bottom and state that he prepared it from the rate-books.

Mr. Atkinson, Q.C.—I have taken the figures at £50 valuation, £40 and £50.

10422. Dr. TRAILL.—And £30 you took yesterday.

Mr. Atkinson, Q.C.—I don't think that is necessary now.

Dr. TRAILL.—You might give us the return for £30 also.

10423. Rev. Dr. MOLLAY.—I think you will admit that if people of £50 valuation build a school, that is some evidence that they want the education.

Mr. Atkinson, Q.C.—I don't think so. The fact that a man with a valuation of £50 gives £1 to a school is no proof that he could send a boarder to it. I don't think that is any test.

Mr. Drummond.—I am instructed by the Most Reverend Dr. McGennis and the Roman Catholic Board of the County of Cavan to appear on their behalf. Dr. McGennis has lodged seven objections, three of which I will now state. The first is with reference to the marks given for the examinations, and the exclusion of the matriculation for Moyart College. The next is the mode of apportioning the minimum grant for the county of Cavan. The third question is as to the disposition of the £5,000 net which remains to the credit of the Cavan school.

10424. Lord Justice FRYGROVE.—These questions do not now properly arise. The present matter that we are on is the question of division—if it is to be a division, or of distribution if it is not to be an actual division, of the whole fund having regard to the claims of the various denominations; the branch we were on at present was the proportion in which the fund should be divided between Catholics and Protestants, treating them as the two great denominations, apart so far as the latter are concerned from minor divisions, and the only matter that we have heard that affects you on this point is Mr. Rose's proposal, that there should now be a final and equal division of half-and-half's each denomination.

Mr. Atkinson, Q.C.—My proposition is that there should be a final division now, and that the Protestants should permanently get two-thirds in my district.

Mr. Drummond.—I think it would be difficult to discuss the proportion in which the division should be made in Cavan, without taking into consideration that question of the disposal of the £5,000, because I submit that is part of the property of Cavan.

10425. Lord Justice FRYGROVE.—Whatever the property is, shall it be divided now, once and for all, or shall it be divided by results as the scheme says?

Mr. Drummond.—I think on the whole it is better to let it be dealt with according to the scheme. I wish to draw attention to the proposition in which the minimum ought to be divided between the two parties. I think it is far better, with a view to the real interests of education, to have the money given as it is inclusive to give a proper education rather than to hand it over in a lump to any parties; because experience proves that money so handed over was not so usefully applied.

10426. Dr. TRAILL.—The permanent division will not infer that the money should be spent without very strong educational tests afterwards.

Mr. Drummond.—Upon the whole I think the system of division provided by the scheme is the best that can be devised. Now, with regard to the proportion, and I confine myself to the division for the county Cavan, between the two boards let me call attention to the facts and figures. Mr. Rose has not given a single figure to show now or in the past the number of pupils at any Protestant school in Cavan receiving intermediate education. You are left completely in the dark as to that, and you are asked to look at *Thorn's Directory* to ascertain how many literate and how many illiterate people there are in the district, and then to strike a balance. But I take it that the true principle of the distribution of this money is to try to maintain the greatest amount of real intermediate educational work. What is the real educational work that has been done in the county Cavan, and is being done at the present moment?

At the present moment there are about a dozen pupils in the Royal school.

10417. Lord Justice FitzGibbon.—On the point of the minimum grant are you not wandering from the true issue? We explained yesterday, and I think you admitted that you approved of that, that the minimum grant has nothing to do with the relative claims of denominations. It is a sum fixed as the smallest that could be substantially useful to a single school, and I will give you the Cavan figures now, that you may thoroughly understand what you are dealing with. The net income of Cavan for three years was £374, and it has £6,357 at 3 per cent. Take it for the present that we do not deprive you of that, add the £187 interest to the £274 from the land, and you get £461. Fifty per cent. of that is £230, and the half of that, the minimum grant, is only £115 a year; from the lands the minimum grant will be only £69; unless £69, or even £115 a year, is more money than we ought to give as a minimum to our school, Protestant or Catholic, the argument from parsimony is not applicable.

Mr. Drummond.—I am going to ask you, owing to the circumstances of the county Cavan, to put Cavan on the same footing as Raphoe—that is to distribute the whole of the income between its two schools, otherwise it would be practically useless. That is the reason why I think it well to combine with the discussion of the mode of distribution, the question of whether this £5,000 should not be given to Cavan altogether. But I shall deal with that afterwards if you wish. If you take the minimum proposed to be given it would not be of any value to the county Cavan.

10418. Dr. TRAILL.—I understood you proposed to divide the whole fund and not merely the residue by results, but I now understand you to say that the money should be divided once and for all—half and half—and that you wished to be put on the same lines as Raphoe.

Mr. Drummond.—I propose to treat the £5,000 as part of the property of the Cavan school.

Lord Justice FitzGibbon.—When we fixed the 50 per cent. as the minimum for Cavan we were under a misapprehension as regards the income from the Cavan estate, and I had no idea that it was in such a bad state. I think you may take it that, if we take the £5,357, we must raise the 50 per cent.

10419. Dr. TRAILL.—Do you want to go as far as Raphoe—that is to divide the whole of the money?

Mr. Drummond.—I think to be of any practical use you should divide the whole.

10420. That is inconsistent with distributing the balance in results fees.

Mr. Drummond.—I don't want to propose anything unreasonable for Cavan, but if I were offered the option between not getting the benefits of the results from the other districts and getting the £5,000, I think it would be better for my clients and also better for Mr. Ross's clients to give up whatever may be the advantages of competition, and to take this property now. I would suggest that, provided the Commission would now hand over the £5,000, you can exclude Cavan from the competition for the results fees.

10421. Would you be satisfied if the life interest of the head master of Cavan was taken out of it first and then the total divided between the two boards locally—that would be making Cavan to stand upon its own basis and would be a very fair arrangement?

Mr. Drummond.—My proposition is that Cavan should be allowed to stand upon its own basis. I wish to call your attention to an institution whose claims ought to receive recognition. In the Royal school at Cavan there are now about twelve boys; whereas, at the Roman Catholic school called St. Patrick's College, there are now fifty-one boys, thirty-three boarders, and eighteen day boys.

10422. Lord Justice FitzGibbon.—Eighteen day boys is the number in the Royal school also—so that there are eighteen of each denomination now.

Mr. Drummond.—Besides in another school in which intermediate education is given—the Catholic school of Ballymaguff—there are sixteen day boys, and for some years there were more, and in the Convent, in which intermediate education is given, there are sixteen, which makes the pupils in those three Roman Catholic schools in the county Cavan, at the present time, eighty-three who are receiving intermediate education.

10423. Professor DOUGHERTY.—Do these schools send pupils up for the intermediate examinations?

Mr. Drummond.—One sent three in the present year. I have not been estimating the Christian Brothers' schools which prepared some pupils.

10424. Professor DOUGHERTY.—Our return shows that in 1883 the total number of passes for the whole county of Cavan was ten, eight of which were from the Christian Brothers' schools in Cavan, and all those passes were in the junior grade.

10425. Rev. Dr. MORRIS.—Some of the pupils from St. Patrick's College, Cavan, enter Maynooth?

Mr. Drummond.—The case of these schools in Cavan affords a strong illustration of the principle on which the matriculation examinations for entering the different colleges should be calculated. A considerable number of the pupils of St. Patrick's go to Maynooth, and yet up to the present time the Maynooth matriculation, which is quite as high as Trinity College or the Royal University, has been excluded from the scheme. I take it for granted that the Maynooth matriculation will be inserted as one of the tests upon which marks should be given.

10426. Dr. TRAILL.—Before you leave St. Patrick's, can you give us the figures for the years 1880 and 1881?

Mr. Drummond.—In 1887 there were 40 boarders and 23 day boys. In 1888 there were 41 boarders and 24 day boys. It was only in 1885 it was opened to day boys, up to that time it was confined to boarders.

10427. Yes, but that is a very important point. With some frequency and not a little stress the desecration of the Royal school has been pointed out to us, but we find, in the present instance, that in 1869 the boarders at St. Patrick's, Cavan, were twenty-five, while in 1886 they had come down to forty, and in 1888 had come down to thirty-three. I merely wish to point out that if there is decadence in intermediate schools it does not apply to the Protestant schools only.

Mr. Drummond.—The opening of it last year to day pupils has brought in a number of boys who would not otherwise be pupils at all, and probably, being able to reside, at no great expense, in the town of Cavan, the number of boarders has been reduced in that way.

10428. Dr. TRAILL.—But still your whole number is only fifty-one, whereas eight years ago the number of boarders was twenty-five. There is the reduction; it cannot be helped, but it is a fact.

10429. Rev. Dr. MORRIS.—It is no doubt partly to the depression of the times.

Mr. Drummond.—Yes, and to the want of an endowment. This school has cost £14,000, but the debt on it at present is £8,000. They have cleared off all they could, and the very means which should be going to improve the education, to pay teachers, and to supply the various appliances required for a good school, have been going in the effort to pay the enormous load of debt, so that it was rather difficult for the school to be made as successful as would otherwise have been the case. Under these circumstances it will be for the consideration of the Commissioners whether portion of this £5,000 may not be properly diverted to the promotion of this school on the one hand, and also applying the needs of a school for the Protestant population on the other hand. Now, Mr. Ross has pressed upon you again and again, in the county Cavan, to divide it half and

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half. Taking as a test the amount of the educational work done besides the Royal school, I am not aware that there is another Protestant school doing intermediate work.

10449. TULLYVIN is doing some work.

Mr. DRUMMOND.—That has been abolished altogether.

Right Rev. Dr. SLOVE (Lord Bishop of Kilmore).—It is a first-class school, and has been established under an independent scheme by this Commission.

Mr. DRUMMOND.—Tullyvin is treated as a primary school.

10451. Lord Justice FITZGERALD.—It is largely employed in giving intermediate education preparatory for the Incorporated Society's schools.

Mr. DRUMMOND.—I don't know whether you have any evidence of the number of pupils receiving intermediate education at the Tullyvin school.

10452. Professor DOUGHERTY.—We were there ourselves, and saw fifteen boarders, all of whom were receiving intermediate education.

Dr. TRAILL.—The house was as full as it could hold.

10453. Lord Justice NASH.—Tullyvin has a good endowment of its own. It does not stand in need of any additional support.

Mr. DRUMMOND.—When you proposed to deal with it, Mr. Hart objected to its being interfered with by the Commissioners at all.

10454. Dr. TRAILL.—But as regards the number of pupils getting intermediate education you should count Tullyvin, which ought to be a primary school instead of an intermediate school; for if there was a good intermediate school in Cavan, the boys that now go to Tullyvin would be sent there.

Mr. DRUMMOND.—It is a somewhat striking illustration of the amount of educational work that is being done by the Protestants with the endowments.

10455. Rev. Dr. MONTAGU.—I understood your argument to be that the Catholics have shown by these returns that they have a much larger number of intermediate education pupils than the Protestants in the county of Cavan, and on that ground you claim a much larger share of the endowment.

Mr. DRUMMOND.—As far as the Intermediate Education Examinations are concerned the Catholics seem to have their own way altogether, for of the ten pupils who passed during the year, eight came from the Christian Brothers' school.

10456. Professor DOUGHERTY.—Intermediate education generally you will admit must be in a rather bad way in a county where only ten pass, and those in the junior grade.

Mr. DRUMMOND.—I am sorry to say that Cavan is the most backward place in the whole country. But just as you take into consideration the exceptional circumstances of Donegal, I think you ought to look at the exceptional circumstances of Cavan, and to deal with it more liberally, as far as the £3,000 is concerned, than otherwise you would be inclined to do if it was not in such a backward condition.

10457. Dr. TRAILL.—Would you give up your claim to result fees in the other four counties if you got the whole of the Cavan endowment divided between you?

Mr. DRUMMOND.—If you give us the whole of it, you can limit us as you like, as regards result fees.

10458. Professor DOUGHERTY.—I think you would do a very wise thing, if you could obtain your own endowment, to give up any competition.

Mr. DRUMMOND.—I think it would be more for the benefit of the pupils, either Catholics or Protestant, to take our own endowment and to give up competition. But I press upon the attention of the Commission that up to the present time the number receiving intermediate education in Cavan are nearly two to one of Catholics as against Protestants—and that corresponds with the proportion that are literate in the population of the county.

10459. Dr. TRAILL.—That is only those who can

read and write—it is not those who are receiving intermediate education and learning Greek and Latin.

Mr. DRUMMOND.—But it is a striking fact, as Dr. Delany proved, that the numbers correspond with the population, and while the literate population is larger among the Catholics, you have a correspondingly larger number attending intermediate schools.

10460. Rev. Dr. MONTAGU.—What proportion do you claim?

Mr. DRUMMOND.—We have eighty-three pupils receiving intermediate education under considerable difficulties as contrasted with the first that in Tullyvin, which is not an intermediate school at all, they have not half that number.

10461. Dr. TRAILL.—You admit that a considerable number of Protestant boys go out of Cavan from the want of a good school?

Mr. DRUMMOND.—And a considerable number of Catholic boys as well. I think the proportion would be found to be just as large on the one side as the other.

10462. Would you give your views as to the proper proportion?

Mr. DRUMMOND.—Taking your own view of the educational work done it amounts to two-thirds of the Catholics against one-third for the Protestants. When you find about double the number of Catholics attending these schools there should be some difference in the proportion of the endowment. It is for the Commission to say, but these figures cannot be disputed.

10463. Lord Justice FITZGERALD.—It is quite right that you should put forward your figures and let your claim upon them, but before we go on percentages we must see their effects. If we give you two-thirds of an income of £300 a year, we must apply the same principle when we deal with the larger incomes in Tyrone, Fermanagh, and Armagh, and to give you two-thirds of £300 in Cavan, we might have to give the other side an similar situation, in another instance two-thirds of £1,800.

Mr. DRUMMOND.—I am only instructed on behalf of the Catholics of Cavan.

10464. See, too, the possible advantage to you of the automatic principle. If St. Patrick's College, Cavan, which as a building is eminently fitted for its purpose, becomes a large and prosperous school, instead of having two-thirds of £300, it would have a large proportion of the result fees of the five counties which would be far more. On the other hand, in the Fermanagh district at the present time it is quite possible that only one school would qualify—whether St. Macartin's or any other didn't matter—and if we confined each endowment to its own district, that might get £800 a year for passing ten pupils through the intermediate examinations.

Mr. DRUMMOND.—I merely put those figures before the Commission. The really important questions on the objections of Dr. McGonnan are to retain the £3,000 for Cavan—that is more important than the proportion of the minimum grant or anything else—and the inclusion of the matriculation examination of Maynooth as one of the tests.

10465. Dr. TRAILL.—Would you extend the principle of admitting the entrance examination in Maynooth to every other private college in the kingdom?

Mr. DRUMMOND.—I would not class Maynooth with any private college.

10466. I mean denominational college.

Mr. DRUMMOND.—I have read the papers for the matriculation in Maynooth, and I have read the papers for the entrance examination to the Royal University, and I put them side by side and ask any impartial judge to say whether one is not as high as the other?

His Grace the Most Rev. Dr. Walsh, Roman Catholic Archbishop of Dublin.—On the general question

tion of the division of the endowments between the Catholics and the Protestants, I wish to refer to those statistics that have been quoted. Counsel have brought forward three sets of figures—the Intermediate Education Returns, the Census of 1851, and the figures taken from “Griffith’s valuation.” I must object to the use made of the Intermediate Education Returns. I happen to be Honorary President of the Association of Catholic Head Masters and also President of the Standing Committee of that body, and in those capacities I have acquired a certain amount of information in reference to the Intermediate Education Returns, and I can say that the figures produced are, in effect at all events, misleading, and that there are several points connected with them which make them not a safe basis to go upon in reference to this question of division. For instance, those figures have been made out from the school returns in which the names of the various schools, Catholic and Protestant, are given after the successful pupils’ names. Now I know of many cases in which for various reasons pupils going from Catholic schools do not put down the school address, but put down the address of their parents. I know one very large school where that is done, and therefore that test is inaccurate and cannot be relied upon.

Mr. Ansell, Q.C.—I don’t know whether your Grace was present yesterday when I was dealing with the figures which I laid before the Commissioners as to Ormagh, but I showed that there were only five in one year and six in another that were unaccounted for in that way which my learned friend, Mr. Carten, however, spoke of as “lost numbers.”

Dr. Walsh.—I know of one large school which was left out of count altogether in Mr. Berkeley’s return. It may have been that the pupils did not put down the school address. We were told that only twenty-six passed from Catholic schools in those northern counties. Now, at least ten passed from one school to which I refer, Loretto Convent School, Ormagh.

Mr. Ansell, Q.C.—My figures are only of boys.

Dr. Walsh.—But the scheme we are dealing with is for both boys and girls. That will show the Commissioners that the mere figures taken from the return are not a sufficient basis to go upon and are therefore misleading. In reference to the other basis of calculation—the Census of 1851—it must be remembered that at that time the Intermediate Education Act was only beginning to come into operation, and I think it would be very unfair to take the condition of the Catholic schools at that time as any basis for the future permanent division of the endowment between the two bodies. But the set of statistics based upon the Poor Law valuation of the Catholic and Protestant farmers as the basis of distribution in this matter seems to me to be altogether irrelevant, and indeed, so far as it has any bearing at all, seems to show that a larger proportion of the endowment ought to go to the Catholic bodies than to the Protestant. The figures show that the Catholic farmers are financially on a level altogether below that of their Protestant neighbours. That is quite true. But it is irrelevant. When the figures were brought up I was reminded of a passage in one of Lord Macaulay’s speeches. Speaking of a certain institution in Ireland, he said that it seemed to him to be founded on a principle the very reverse of that which ought to influence the action of every Christian Church, for it “filled the rich with good things, and sent the hungry empty away.” If any law is made of those statistics, the effect would be to divide these educational endowments on the principle so justly condemned in the case of the ecclesiastical endowments. I object to having that principle applied. If the figures about the Poor Law Valuation of the Catholic and Protestant farmers are to be applied here at all, they should be applied to strengthen—not to weaken—the claim of the Catholics. There is one other point. Counsel have objected here to the setting apart of a fixed minimum sum for

each denomination in the first instance before coming to the proportionate distribution of the endowment, according to educational results. Now, I wish to remind the Commission that they had this question before them in reference to an endowment in the county of Dublin—the Swords case. In that case the body that happened to be in the minority was the Protestant body, and a proposal was made—to some extent by me—at any rate strongly supported by me—that before any proportionate division of the endowment there should be a minimum sum set apart for the support of an efficient Protestant school in the district. Now, I do not say it would be a breach of faith, but I say that it would be something which many people might fairly regard as a breach of faith, if that principle laid down here in Dublin for the protection of the minority, where the minority is Protestant, is to be thrown overboard when you come to deal with a district in Ulster where the minority happens to be Catholic.

10457. Lord Justice FRYGGE.—Have you any opinion to express as to the principle of the distribution of these endowments between the Protestants and Catholics? Have you considered whether a hard and fast division now, or a fluctuating division by results fees, or a fixed minimum, or a proportionate minimum, would be most desirable?

Dr. Walsh.—I think it is essential that we should have a minimum to begin with, to secure the efficient maintenance of a school for each body in the district.

10458. Dr. TRAILL.—Would you wish the estates divided once and for all between the Roman Catholics and Protestants, or would you wish to leave that division open?

Dr. Walsh.—I would wish to have it divided according to the principle in the scheme—and I think it is an admirable principle—by results fees.

10459. The scheme does not divide to except by results fees?

Dr. Walsh.—That is so, and that is what I approve of. There was some reference yesterday to two ways of doing so. Two phrases were used, “scrambling” for money and “working” for money in connection with these competitive examinations. It seems to me that this scheme of the Commissioners, as contrasted with the principle upon which the Intermediate Education Board works, marks precisely the difference between “working” for money and “scrambling” for it. I think the system of the Intermediate Education Board is to a very large extent a system of scrambling for money, and that the system embodied in your scheme is really a system of working for money, and not scrambling for it. The Intermediate system is open to a most serious objection, while the scheme is clear of that objection. In the Intermediate Examinations you have a system in which every schoolboy in the country is practically set in competition with every other schoolboy in it, and the result is that a frontier state of excitement is created among the schools and schoolboys all over Ireland, in consequence of this universal competition. In my view it would be far better if the Intermediate Education Board went rather on the principle of looking to “passers,” as this scheme proposes to do. Let them deal with each school according to its general educational work, and decide on that basis what share of the endowment the school should get.

10460. Lord Justice NAHE.—Decide on “passers” as distinguished from prizes?

Dr. Walsh.—Yes, and give a certain amount of the available endowment in proportion to that work. Then there will be a means provided for the good schools to develop each its own system with the help thus given.

Mr. DRUMMOND.—It is right that I should state that I included sixteen girls in the figures I gave just now, but I did not include some boys in the Christian Brothers’ schools. There were ten, twelve, and fourteen in the three years over and above those I

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referred to. In St. Patrick's College the Intermediate Examinations have not been a test at all, for out of the fifty-one pupils only three went up this year. Many were disqualified by age, and some who were prepared didn't care to go in eventually.

Mr. John Roche, *q.c.*—With respect to Dr. Logue's objections, the second objection deals with the minimum grant of 50 per cent. in the Armagh district, and I am instructed to say that Dr. Logue, having heard your explanation, withdraws that objection. The third crept into this objection by mistake. It was not intended to be part of Dr. Logue's objection, and there is a statement in it which he did not intend ever to put forward. With respect to that particular objection, we have obtained careful returns as to the number of children who actually are at the present time receiving intermediate education, and also of the number of children who would, from circumstances known to the parties who have obtained these returns, receive such education if facilities or an endowment were offered such as this scheme provides. We have these returns for the whole of the district of Armagh—they have been very carefully prepared, and can be given to the Commission if they are deemed to be of any value.

10451. Lord Justice FRYGEMAN.—We should like to have them if you send them in signed with a statement as to how they were prepared, and by whom, and let Mr. Bealey have a copy of them.

Mr. Roche, *q.c.*—I have a summary of them here. There are at present in the Armagh district 105 boys actually receiving Intermediate education, including St. Columba's College, Newry, and excluding girls. The number, excluding Newry, is eighty-two. St. Columba's College is in the county of Armagh, but not in the diocese, and that is the reason why it was omitted here. We will give the names of the schools in the return. If you take boys and girls, the return will show the whole number of boys and girls receiving Intermediate education in the county of Armagh to be 320.

10452. Professor DOUGHERTY.—Do you include the Christian Brothers' schools?

Mr. Roche, *q.c.*—We do include the Christian Brothers' schools, but only for six pupils receiving Intermediate education. We do not take the whole number at all. The return was obtained by Father McNeese.

10453. Lord Justice FRYGEMAN.—Father McNeese was examined before us, and he, like Dr. Moore Morgan, will certify these returns, and if sent in we will be glad to look at them. But it will take more time than we can spare now to really understand the force of your figures. It would be impossible to expend this endowment so as to give Intermediate education to every individual boy and girl in the county that is capable of taking it. These figures are only of use as indicating the proportion in which it would be fair to divide these endowments between the different denominations, and I have again to point out that unless we adopt the principle of dividing them into fixed proportions once and for all, these figures are of no use to us. If we stick to our principle of giving a minimum grant to each denomination, and dividing the rest by results, we do not want numerical proportions, because the proportion of the grant received by each denomination will be what its schools have earned.

Mr. Roche, *q.c.*—It was for that reason that I asked whether you would consider these figures now.

10454. It is only fair to tell you the main argument that ultimately prevailed amongst us against preparing any definite division. It was, that we were satisfied that it was absolutely impossible to find any principle of division that would satisfy everybody, or that would not be open to argument on the other side.

Mr. Roche, *q.c.*—There is another matter to which

I wish to refer before leaving this question of the Armagh endowment, which has been very carefully considered—with reference to the statement made yesterday at the opening of the sitting. On the part of the Roman Catholic Primates, I wish to say that, supposing it is found impossible to purchase out the interest of the present Head Master of Armagh School for any reasonable sum, he does not consider that it would be judicious or right that such a large sum should be paid for Dr. Morgan's interest as would permanently cripple the endowment; and unless it is possible to effect a reasonable settlement with Dr. Morgan, he would prefer that Dr. Morgan and the school should continue on their present footing in manner provided by the 55th, 56th, and 57th and 60th Articles of the Scheme. The alternative would be, apparently, to suspend the application of the scheme altogether to Armagh for the present, because the figures are unworkable. He, under these circumstances, would adopt the scheme to this extent—£175 would be fixed as the sum to be paid for repairs and maintenance; the salary of Dr. Moore Morgan, and the fees payable by the pupils would continue as at present. The payments for exhibitions would be cut down to the existing pupils under Article 58a and the other details in the scheme would remain such as they are. But seeing that the effect of the whole scheme is to give the whole income of the endowment, and besides to give the use of the buildings rent free to the Protestant Local Board—we submit that it is unfair that they should also have the chance of sharing in the residue under the 58a clause—we submit that if that clause is to be retained, there should be words added to include the "annual value of the school buildings to the sum charged against the Board, that is in substance getting the benefit of them."

10455. Professor DOUGHERTY.—Is not the right to use the buildings part of Dr. Moore Morgan's vested interest?

Mr. Roche, *q.c.*—No doubt; but doesn't it also in substance give the Protestant Local Board the use of the buildings?

Professor DOUGHERTY.—We cannot help that.

10456. Lord Justice FRYGEMAN.—I think you are under a misapprehension with regard to the meaning of the 57th clause. It was only introduced for the purpose of preventing its being supposed that if Dr. Morgan's vested interest was larger than the amount that the Protestant Board was entitled to receive under the scheme, that would create a debt against the Local Board.

Mr. Roche, *q.c.*—We do not object to that clause.

10457. Rev. Dr. MUIR.—I understand Mr. Roche as saying that in putting Dr. Moore Morgan's vested interest to the debit of the Protestant Local Board, we should take into account not only the salaries of Dr. Morgan and his assistant, and the money for repairs, but that we should, in addition, take into account the annual value of the buildings, and that we should put that annual value to the debit of the Protestant Local Board as well as the other items.

Mr. Roche, *q.c.*—Just so.

Lord Justice FRYGEMAN.—That is perfectly fair, but it will not make the smallest difference in the scheme, because Dr. Morgan is tenant for life of these buildings, and therefore there is no money to be charged against anybody as long as he is there. I quite agree that the value of the buildings might be taken as being an advantage to the Protestant Local Board, but that value does not come into any calculation of money under the scheme.

10458. Lord Justice NAIR.—You are calculating what the Protestant Board would get if Dr. Morgan was not there. But there is no use in your doing that, for after you have calculated the amount it was to be paid to Dr. Morgan, and the Board could get

nothing unless they could earn more irrespective of that.

Mr. Roche, q.c.—The value of the school buildings is entirely omitted.

10468. Rev. Dr. MOLLOY.—Your case is that the Protestant Board get, during Dr. Moore Morgan's tenure, the benefits of the buildings, and therefore that it should be put to their debit.

Mr. Roche, q.c.—Yes, that is what we submit. Of course the Protestants would prefer a reasonable arrangement for the purchase out of Dr. Morgan, but that appears to be very difficult at present.

10470. Lord Justice FRYGROUSE.—As you have used the word "reasonable," you cannot convey that the scheme is in any way unreasonable, because Dr. Morgan is plainly entitled to his salary and to his house, and I showed you yesterday that the whole profits of the estate and more is now spent upon his vested interest.

Mr. Roche, q.c.—Well, leaving that clause, I come to the last matter I have to mention: the 50th clause, and the arrangement suggested in the reference to the purchase and treatment of the buildings when the scheme comes into operation.

10471. Lord Justice FRYGROUSE.—I wish you would not take up that question just yet, because when we come to buildings we really think that the parties may be able in each case to suggest something definite about the buildings.

Mr. Curzon, q.c.—I would like to say this on behalf of Dr. Donnelly. The Armagh school is practically now being kept up for the benefit of the Armagh Protestant Board, and perhaps that cannot be helped. It may be one of the necessities of the position in connection with the preservation of the vested interests. Now, so far as the Donegal endowment is concerned, the entire income is proposed to be given to the local boards, and if you decide to the request of Mr. Drummond and Mr. Ross that the entire income of the Cavan endowment shall also be applied to Cavan only, so long as the Armagh school is kept up and Dr. Moore Morgan continues Head Master, the result will be that the Armagh Catholic Board will be thrown upon the Tyrone and Fermanagh Boards. That being so I submit that it would be very unfair to allow any portion of the 50 per cent. to be obtained by the Armagh Protestant Board.

10472. Lord Justice NASH.—In effect it won't be. They never could earn so much as would entitle them to share in it.

Mr. Curzon, q.c.—They might get up their school to such a state of efficiency that they might obtain a share of the results with the Fermanagh and Tyrone Boards.

10473. Rev. Dr. MOLLOY.—If we put in the clause that Mr. Roche has suggested, I think the contingency which you contemplate has hardly sufficient probability to be worthy of notice. What do you propose?

Mr. Curzon, q.c.—That so long as the Armagh school is kept up under the terms of the scheme, the pupils under the control of the Armagh Protestant Board should not be allowed to share in the results of any of the endowments.

10474. Dr. TRAILL.—Would you go further and say that if Cavan and Raphoe get the whole of their endowments to themselves, they should also write off the amount of their results fees?

Mr. Curzon, q.c.—I think that if Cavan and Donegal are handed over the entire of their endowments it would be very unfair for them, at the same time, to burden Tyrone and Fermanagh with the cost of training their pupils.

10475. Lord Justice FRYGROUSE.—Why is it unfair that they should own Tyrone or Fermanagh money? Their own endowments are so small that

they are required for the minimum grants in the Cavan and Donegal districts.

Mr. Curzon, q.c.—Tyrone and Fermanagh are burdened. The Armagh Roman Catholic Local Board is unprovided for. The Tyrone and Fermanagh Local Boards must first get their own minimum of twenty per cent. each. Then the remaining sixty per cent. for their Local Boards is diminished by so much as is necessary to maintain the Armagh Roman Catholic Local Board, and consequently the funds available for results fees in Tyrone and Fermanagh is diminished. That diminution is caused mainly by the fact that you are handing over the entire of the Armagh endowment to the Protestant Board, and if the entire of the Donegal and Cavan endowments are handed over to the Local Boards, it would be unfair if these people carried off the whole of their own endowments and then come in for a share of other endowments which are insufficient for our purposes, and carried that off too in results fees.

10476. Armagh has about £900 a year, and forty per cent. upon that is £360, out of which £180 would be the minimum grant for Armagh, but that would be charged upon the sixty per cent. of Dungannon and Enniskillen, which amounts together to £1,200, so that it would still leave you £1,080 a year. You forget that these five endowments are of very different amounts.

Mr. Curzon, q.c.—The maintenance of the Armagh Catholic Board will have to be borne in proportion to the value of the endowments, and that would press very much more heavily on the Fermanagh district.

10477. Dr. TRAILL.—But there is no general fund to be competed for except from Enniskillen and Dungannon.

Mr. Roche, q.c.—Now, I come to the question of the constitution of the Protestant Boards. On the first question of the division between Roman Catholics and Protestants I support the contention that there should be a division once and for all, so those I represent consider that a division, first for three years and subsequently by results, ought not to be listened to. They consider that it would be most disastrous, and would not be fair for various reasons. I propose to go now into the question of the Protestant Boards, and on behalf of the Diocesan Councils of Armagh, Derry and Raphoe, and Clogher, I have strongly to protest against mixed Protestant Boards for each district. This subject has been under very careful consideration, and these Diocesan Councils consider that the scheme in this respect is thoroughly inconsistent as to one particular denomination—the Roman Catholic—it is essentially denominational, and, as to the other denominations, it is mixed. We submit that in each district there should be constituted denominational Boards, and naturally we have no objection to the Roman Catholic Board. They wish to have it for themselves, and we also wish to have for ourselves a separate Church of Ireland Board, and there is no reason, in the nature of things, why we should not have it. If the question is looked to as to the amount of population, the amount of the literate population, or the amount of those attending Intermediate schools, we represent a very large body, vastly outnumbering any other Protestant body in these districts, and outnumbering all other Protestant denominations by about 58,000 in the five districts—in some districts being in the proportion of nearly two to one—and we do not believe in those happy families that we have heard so much about.

10478. Lord Justice FRYGROUSE.—Who are "we"?

Mr. Roche, q.c.—These Diocesan Councils.

10479. Lord Justice FRYGROUSE.—Let me read you the sworn testimony of one of your own bishops. Dr.

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Stack, the Bishop of Clogher, in his evidence before us at Enniskillen in October, 1885, referred to what had been done at Monaghan by a mixed local committee:—

"764. Do you find the local committee work satisfactorily?—Yes, all the Protestant denominations, and we were quite prepared to invite the others to come to our help, but they had already made a large provision for education.

"765. Your governing body includes all the Protestant denominations?—Yes.

"766. How do you propose to repeat the experiment in Enniskillen?—We have raised a good deal of money in Monaghan; £500 has been spent in starting the school and repairing the building; but we could never expect it to be a great school, because we have no endowment. We have no doubt if the endowment were left to Parsons, that by mobilising the whole arrangements, as we have done in Monaghan, this would be a greater school than ours, an Anglican school.

"771. How is the Local Committee constituted?—We advertised a public meeting, and a good many of the townspeople got together, and elected a committee; I was then rector of the parish. The Presbyterian minister was one of them.

"772. Speaking generally, is the proposal brought before us to-day on the main lines that have succeeded in Monaghan—a board composed of the rectors of the two parishes; Presbyterian ministers; the Chairman of the Town Commissioners; and beyond representing each of those bodies?—On the whole it is exactly the same."

The Bishop of Kilmore said the same at Carna, and after that evidence you can hardly blame us for proposing a scheme which is in accordance with the evidence not only of these Bishops, but of all the Protestant witnesses everywhere except in Armagh. In Fermanagh and Carna, the Presbyterians, Methodists, and Church people all came forward with the bishops at their head.

Mr. Bewley, Q.C.—They joined to govern an endowment for Protestants generally; but when it comes to a matter of administration it is quite a different thing.

10480. No doubt the opinions of some in Armagh are different, but when you say that these three Diocesan Councils "protest" I have to remind you that it is the first time they have done so, and that it is dead against the action of the Protestant committees and Bishops to whom I refer.

Mr. Bewley, Q.C.—They do so when they see that the scheme would be entirely unworkable. If there was only one day school, it would be different, but when you come to boarding schools of different denominations, it would be impossible for them to work together as proposed under this scheme. I have also to say that we cannot understand how the Protestant Local Boards have been constituted in the way proposed under the scheme. In each district the number of Protestants of the Church of Ireland vastly exceed the number of Protestants of all other denominations. For instance, in Armagh there are 34.5 per cent. of members of the Church of Ireland, to 18.6 Presbyterians.

10481. Professor DOUGHERTY.—Are we to understand that your clients are in favour of allocating these endowments amongst the religious denominations according to their relative numbers?

Mr. Bewley, Q.C.—According to those attending the schools of the higher class.

10482. But you are going into details of the population?

Mr. Bewley, Q.C.—I was going into details of the literate population, because it was said yesterday that that was a rough and ready way of arriving at the claims of the various denominations. My percentages are of the literate population taken from the Census of 1881, and the proportion is 84.5 per cent. of members of the Church of Ireland, as against 13.9 per cent. of Presbyterians; 3.6 per cent. of the Methodists, and 2.2 per cent. of other denominations of Protestants.

10483. Lord Justice FRANKLIN.—That is the proportion upon which we have constituted the Armagh Protestant Board. In Armagh we have 31,500 Church people, 19,500 Presbyterians, 3,700 Methodists, and 2,500 others, and the scheme gives on the proposed local five members of the Church of Ireland, three Presbyterians, and one representative for the other Protestant denominations.

Mr. Bewley, Q.C.—But it being a fact that in every single district the Church of Ireland is in the majority, how is the result arrived at—that on the Protestant Local Boards of forty-five members altogether, only twenty-one are members of the Church of Ireland—not one-half?

10484. Your figures must be wrong, and totting all the Boards together is irrelevant. There is no possible concurrence of circumstances under which all these local boards could not together. We had to give a minimum representation to everybody that was entitled to have one representative, and these single representatives added together, no doubt, make the majority on the total number greater.

Mr. Bewley, Q.C.—But if there is a majority in each district of the Church of Ireland as against the other denominations you never can get it less than half, yet that has been done in this scheme—for there is not a single district, so far as the Census returns enable us to judge, of the literate population in which the Church of Ireland members are not in the majority.

10485. That is not so. In Tyrone there are 37,500 Church people, 23,803 Presbyterians, 3,000 Methodists, and 1,300 of all others.

Mr. Bewley, Q.C.—I have only got them in percentages.

10486. Your percentages cannot be right if those totals are right.

Mr. Bewley, Q.C.—In Tyrone I have the percentages as 33.68 Church of Ireland, 34.44 Presbyterians, 2.16 Methodists, and 2.89 of all other denominations.

10487. Lord Justice FRANKLIN.—In constituting the Protestant Boards we gave the majority in each district to the Church that had a majority of members.

Mr. Bewley, Q.C.—But I want to see the foundation you have for saying that my statement is incorrect, that in everyone of these places practically the Church is in a majority.

10488. On the figures we got from the Census I believe we have given the majority in every place where it exists—representation in accordance with that fact. I will give you our figures and you can then ascertain which of us is wrong. In Armagh, in round numbers, 31,500 Church people, 19,500 Presbyterians, 3,700 Methodists, and 2,500 of all other denominations, that is about 31,500 Church people against about 20,000 of all the rest, and the representation under the scheme is five out of nine to the Church, three out of nine to the Presbyterians, and one out of nine to the others.

Mr. Bewley, Q.C.—Now, take Fermanagh!

10489. I will take Fermanagh. I am only speaking now of the majority—for that was the subject of your objection. I admit the proportions are not, and I believe they cannot be, accurately represented. In the Fermanagh district, including Monaghan, the Church people are about 31,100, the Presbyterians about 17,500, the Methodists there are stronger than anywhere else, and are 4,500, and all the others are a little over 600. Accordingly on the Fermanagh Board we give the Church people a majority.

Mr. Bewley, Q.C.—Yes, but not at all proportionate to the preponderance of their numbers.

10490. We cannot make it proportionate if we have to give a minimum representation of one to the Methodists. I don't want to meet two objections at once. But we have the result that the Church people having a majority in numbers had it also in representation on this mixed board.

Mr. Bewley, q.c.—But my objection is to mixed boards at all.

10431. That is another matter altogether: you stated that we had replaced the majority, and I want to show you that we have not done so, unless you can correct my figures. On the Fermanagh Board there are 5 members of the Church, 3 Presbyterians, and 1 Methodist—the only possible changes which would bring it more close to the existing figures would be to give 0 to the Church people and 3 to the Presbyterians; or to leave 3 to the Church, and give 1 from the Presbyterians to the Methodists. In Tyrone we had 37,000 Church of Ireland, 20,000 Presbyterians—or nearly 2,000 of a majority by themselves over the Church—Methodists 3,000, and all the others 1,500. And accordingly we give the majority to the Presbyterians; and the Tyrone Local Board consists of 3 Church of Ireland, 5 Presbyterians, and 1 for the other denominations. In Cavan the members of the Church number 14,000, the Presbyterians 5,500, and all other denominations in round numbers 1,000. So we give to the Cavan Local Board 5 members of the Church, 3 Presbyterians, and 1 for all the other denominations. The last one is Donegal, where the whole endowment is under £200 a year. There the Church numbers 15,000, Presbyterians 15,300, Methodists 1,500; but there are 771 members of other denominations who are potentially members of "the Reformed Presbyterian Church." There, again, for the Local Board the Church gets 3 members, the Presbyterians 3, and the other denominations 1. I have confined these remarks entirely to the point of the misunderstanding of the figures which led to the statement which, so far as our information goes is entirely unfounded, that the majorities on the local boards in the scheme are not in strict accordance with the existing majorities of the literate population.

Mr. Bewley, q.c.—These figures do not apparently correspond with the Census of 1881.

10432. My figures refer to those you can read and write, and they correspond with those in your return everywhere, except where the difference is so small as not to be worth talking about.

Mr. Bewley, q.c.—I shall take an opportunity of proving the figures of the Census refute themselves. At any rate we object to having a mixed body at all.

10433. That is another thing.

Mr. Bewley, q.c.—We would rather have a sum set apart for the Church of Ireland, and given to them once and for all, and that they should be allowed to administer that sum.

10434. One great difficulty about that is that substantially the members of that Church have had the administration of the whole fund hitherto, and the result has not been satisfactory.

10435. Rev. Dr. MILLER.—You propose that the Church you represent should get its own share once and for all?

Mr. Bewley, q.c.—Yes.

10436. Then how would you deal with the other Protestant denominations if they claimed a right to get their shares separately too?

Mr. Bewley, q.c.—Let them say that—I am not concerned with them. We have just as much right to get our share as the Roman Catholics.

10437. You propose to change the scheme, and I want to see how your suggestion may be carried out.

Mr. Bewley, q.c.—I would substitute in each district three local boards—one a Catholic board, the second a Church of Ireland board, and the third a non-Episcopalian Protestant board.

10438. We might have the same objections to perhaps a stronger firm, from the other denominations.

Mr. Bewley, q.c.—I don't think so, because the Presbyterians are at present the entire body mainly interested. It is for the Presbyterians to consider whether they will accept the arrangement. We don't

wish to bump up the others if they don't want to bump up themselves.

The question is, whether in meeting your views we might not have to encounter more serious objections on the part of the Presbyterians and others.

10439. Professor DOUGLASS.—Do you include the Methodists among the non-Episcopalian Protestants as you call them?

Mr. Bewley, q.c.—Yes.

10440. I don't think that that is a correct description of them. In America, at all events, the Methodists accept the Episcopalian form of Church government, and I suppose they might do so here also.

Mr. Bewley, q.c.—Having regard to the numbers of the Church I represent in these localities, we submit that we are entitled to the same right of denominational education as the Roman Catholics, and we anticipate that if there are these mixed boards very disastrous things will occur; for while they might start fair, when there comes to be a competition between different schools of different denominations in the same locality for the limited endowment, unpleasant controversies must arise.

10441. Lord Justice NASH.—You are only speaking for the districts you represent and for the Church councils you represent. Are you applying your observations to what should be done in Cavan, Fermanagh, and Monaghan?

Mr. Bewley, q.c.—I am, for many of those I represent come from Fermanagh and Monaghan.

10442. Lord Justice NASH.—Certainly all the evidence we had in Fermanagh and Monaghan was dead against your contention.

Mr. Bewley, q.c.—It is easy to get up a meeting, and to take down the vector of Enniskillen, and to have a demonstration and to pass resolutions, but that does not, necessarily, represent the feeling of the entire county.

10443. Lord Justice FRANKLIN.—I wish to call your attention to clause 37, but before doing so may I take it for granted that you are satisfied for the present that the actual majority in each of these boards is in accordance with the actual majority of the literate population?

Mr. Bewley, q.c.—We will assume that.

10444. Lord Justice FRANKLIN.—If that is so, and in Fermanagh all the Protestants want to work together, while in Armagh they do not—why should not those in Armagh who want a separate division put in operation clause 37? You can at once, if you like, form a committee of three to take the whole of the Presbyterian share. It is left in your own hands to divide the money in proportion to the relative numbers of the population. If, on the other hand, the Fermanagh people prefer to work together, they won't put clause 37 into operation, and why should we force them to separate?

Mr. Bewley, q.c.—Clause 37 can only be put into operation by agreement.

10445. Lord Justice FRANKLIN.—Each local body can put it into operation, or can combine with others.

Mr. Bewley, q.c.—The use of that clause is that it enables the majority in any local body to do what it likes with the endowment. It enables the majority in one case, where it would be in favour of my clients, where the Church of Ireland are in a majority on the local board, to appropriate the endowment as they think fit among the different denominations; and in another place where the non-Episcopalian are in a majority in certain districts they would do the same thing.

10446. Dr. TRAILL.—If each of the denominations got its own share according to your calculation there would be no difficulty in carrying out Mr. Atkinson's view—of all these denominations joining together and making a hodge-podge arrangement and doing what they like. You evidently do not object to Mr.

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Atkinson's argument because you are adopting his principle?

Mr. Atkinson, Q.C.—If you make a permanent division of the endowment.

Mr. Bewley, Q.C.—That is what we strongly contend for.

Mr. Atkinson, Q.C.—We desire to divide the minimum into three, and to take a share each.

10507. Dr. TRAILL.—You are not asking, as I understand you, Mr. Bewley, to divide the minimum, but to divide the entire sum and to give up the results fees. To talk about dividing the minimum would be absurd.

Mr. Bewley, Q.C.—Quite so.

10508. Professor DOUGHERTY.—Is it the whole of the Royal Schools endowments you propose to divide among the three boards you would constitute, or would you divide the endowment of each locality between the three local boards?

10509. Dr. TRAILL.—It would have no meaning if it was only applied to the minimum.

Mr. Bewley, Q.C.—I would divide each endowment in whatever proportion is considered fair, as representing the classes who require intermediate education, but once that allocation is made, let it be final. Let there not be this three years' system.

10510. Lord Justice FRINGHAM.—Have you any suggestion as to what would be a fair division?

Mr. Bewley, Q.C.—The figures I gave yesterday.

10511. Lord Justice FRINGHAM.—Those figures were about dividing the entire fund between Catholics and Protestants. We are now on the point of subdivision among Protestants.

Mr. Bewley, Q.C.—Well, I would take each particular district. In the Armagh district we would be entitled to a very large proportion.

10512. Rev. Professor DOUGHERTY.—How much?

Mr. Bewley, Q.C.—Somewhere about the proportion of 34 to 24; about 3 to 2.

10513. Dr. TRAILL.—If you divide it according to the licentiate population you would distribute £290 among the non-Episcopalian Protestants.

Mr. Bewley, Q.C.—In some places it would work better for the non-Episcopalian, and it is right it should.

10514. Dr. TRAILL.—In Tyrone the Church Protestants would get £211, and there would be £254 for these of other denominations.

10515. Rev. Dr. MOLLOY.—To which Local Board in Armagh would you give the advantage of the education to be given by Dr. Morgan during his tenure of office?

Mr. Bewley, Q.C.—That is only a temporary arrangement.

10516. Dr. TRAILL.—You cannot devote his vested interest to any other church than his own.

Mr. Bewley, Q.C.—We object to the temporary arrangement, and to the distribution by results; there are certain special objections to the schedule, and also to certain clauses—amongst others clause 45, as to the conditions to be fulfilled to qualify a school to share in the Royal endowments. There is nothing in the scheme as to what proportion of boys are receiving this higher education, and it would be absurd if one or two per boys were kept in a school in order to get the higher education fees.

10517. Rev. Dr. MOLLOY.—That is provided for, because it is required that the Inspector of the Lord Lieutenant shall report in the case of every school that it has a sufficient staff and teaching appliances for the teaching of the various subjects, and no school could qualify if it had only two pupils receiving an intermediate education.

Mr. Bewley, Q.C.—Supposing there was a school of 200 pupils, and that the majority received only a primary education, and only a few were obtaining intermediate education—

10518. Rev. Dr. MOLLOY.—If they pass ten pupils, under the scheme they would be entitled to be con-

sidered as an intermediate school, and their share would be ascertained with reference only to those pupils who obtained marks for intermediate subjects.

Mr. Bewley, Q.C.—There should be some fixed proportion of the pupils receiving a high-class education in order to entitle the school to a share.

10519. Rev. Dr. MOLLOY.—Don't you see how unjustly it would work in some cases, if you fixed a proportion, say one in five, as compared with the provisions in the scheme which treat the absolute number at ten? If the principle of proportion were adopted in the manner which has been suggested a school with only ten pupils receiving intermediate education would qualify by passing two students, whereas a school with 100 pupils receiving a similar education, and passing students, would not qualify.

Mr. Bewley, Q.C.—That seems hard, but we think that there should be a certain definite proportion fixed.

10520. Rev. Dr. MOLLOY.—I think it is better to fix a definite number as the scheme does.

Mr. Bewley, Q.C.—We think that there should be an absolute number, but a relative number or percentage of the boys receiving higher education, in order to entitle them to the grant; and I am quite willing that there should be an absolute number of boys in the school, that it should be a creditable school giving a substantial number in intermediate education.

10521. Lord Justice FRINGHAM.—I have also to refer you to the ordinance taken in October, 1891, in Tyrone where a mixed committee was formed, and presented their views through Mr. Robert Stevenson. He was asked by Professor Daugherty—

Question 5003. "Did your committee take into consideration the proposal of the Church-wardens Committee?"—They did."

10522. "What conclusion did they come to?—I believe it would be much better for all the people—and I am glad to say that the others agree with me—that the Protestant denominations should not together."

That is the evidence of the owners of the endowment you wish us to divide, so far as there are owners of it.

Mr. Bewley, Q.C.—The Diocesan Council represents a very large number of people of this district, and they differ from the view taken by the local people's Dangan.

10523. Professor DOUGHERTY.—Are we to suppose that these local unions of Protestants are a mere sham, intended to defeat the Roman Catholic claims?

Mr. Atkinson, Q.C.—I contend that my learned friend is not entitled to speak for Foremanagh at all.

Mr. Bewley, Q.C.—At any rate I represent the two other dioceses. At page 77 of your report of 1891, Professor Witherspoon, at question 3215, says—I have an impression that the three denominations could at once agree in the government of any one school, and let each school be left to govern its own.

10524. Rev. Dr. MOLLOY.—What three denominations?

Mr. Bewley, Q.C.—I think he means Methodist, Presbyterian, and Church of Ireland people.

10525. Rev. Dr. MOLLOY.—He meant Catholic, Episcopalian Protestants, and Presbyterians.

10526. Lord Justice FRINGHAM.—It is singular that every successful Protestant school we see in the North of Ireland was governed by a "happy family." As a matter of fact we did not find a single school in the whole of Ulster in which there was an exclusively Presbyterian or an exclusively Church governing body. The Coleraine Academy is managed by a mixed body, and it is a boarding and day school. So is Foyles College.

Dr. TRAILL.—The majority govern.

10527. Professor DOUGHERTY.—The Head Master of Coleraine is a Presbyterian, and he has boarding and day pupils of the Church of Ireland.

Mr. Bewley, Q.C.—It makes very little difference where you have one or two members of different denominations, and where the preponderant portion of the governing body is represented in the school.

Lord Justice FRYGROUSE.—That is the idea on which our governing bodies have been constituted.

10627. Rev. Dr. MOTTER.—I think you said that a boarding school could not be conducted on those principles.

Mr. BOWLEY, Q.C.—I said it was difficult.

10628. Rev. Dr. MOTTER.—The Rector of Enniskillen, the Rev. C. T. O'Grady, in his evidence at page 33 of our report of 1887, gave this evidence:

219. "I understand that you see no difficulty in having a small boarding school, if the head master is a Protestant?"

—Yes."

Mr. BOWLEY, Q.C.—I should think that witness had very little experience of the circumstances of Enniskillen. I beg to invite attention to an article on English schools in this month's *Longman's Magazine* by Mr. Focall, and to the quotations in the article from the opinions of foreign educationalists as to the non-boarding school system which he looks upon as being most disastrous, and as merely leading to cramming. If this scheme comes into operation the result would be to manufacture a number of mediocrely educated boys who would earn results. Excellence is not rewarded as it ought to be, there is no distinction between one success and another, and the nature of these examinations differs so much that it would be impossible to put them on a par.

10629. Professor DOUGHERTY.—Have you any better plan to propose to discover the relative excellence of the schools?

Mr. BOWLEY, Q.C.—It would be better to have one standard—that all should compete at the intermediate education examinations; if you have a number of different examinations with different standards it would be impossible to compare them. Four marks are allowed for any pupil who passes the matriculation examination of any university in the United Kingdom. I believe there is no matriculation examination in Oxford or Cambridge Universities, but there is a matriculation examination for each college which varies with each college. In some colleges it is very high, in others it is very low, and is one pupil who passes on a low standard to be put upon a par with another who passes the London University matriculation examination which is exceedingly difficult! That is, however, a matter of detail which can be arranged by-and-by. We object to the system of payment by results, and we think that the fund should be divided once and for all in whatever way may be just amongst the persons entitled to share in it, and that one share is not to be set aside for Protestants generally, but that one portion is to be set aside for the Protestants belonging to the Church of Ireland and other shares given to the other denominations.

Mr. ASHMOUN, Q.C.—This is a point which touches my clients particularly, and as one of the bodies which my learned friend represents, and whose antiquated views he puts forward, is the Diocesan Council of Clogher—to whose opinions on the question of strictly denominational boards I am strongly opposed—it gives me pleasure to find that I am in accord with him in at least one point—that with reference to payment by results, I thoroughly adopt anything that has been said by anyone against that; I go in altogether for a permanent division. I adopt also, with reference to this regulation of marks, what Mr. Ross has said showing its impracticability, and I maintain that in order to avoid all these difficulties there should be one and for all a permanent division. In reference to the splitting up of these Protestant boards, and the contention of my learned friend Mr. Bowley that there should not be a union of Protestants, I entirely object. I represent a very representative committee. The Bishop of Clogher, whom Mr. Bowley was anxious to take away from me, is at the head of it. The other members include Mr. William Teal, J.P., Chairman of the Enniskillen Town Commissioners, an Episcopalian; the Rev. Charles T. O'Grady, Rector of Enniskillen;

the Rev. C. Halahan, Rector of Rosary; the Rev. Gerald Lloyd Whitaker; the Rev. R. Crawford Johnston, Methodist Minister; Mr. Edward Smyth, J.P., a Presbyterian; Mr. William Galt, a Presbyterian; Mr. William Carson, J.P.; Mr. W. B. Conroy, Mr. Henry Plevin, and Mr. J. Whiteside Dore, Protestant Episcopalian; and Mr. S. Culbert Mitchell, who is the Honorary Secretary of this Committee, is the Presbyterian Minister of Enniskillen. They are all strongly in favour of all the Protestant denominations being united; and see no difficulty in their working. But there are also obvious objections to separation. In the first place it would be incompatible with giving a minimum grant to each school, because you would have to give three minimum grants at least. Take for instance, Fermanagh, with the largest endowment; assuming that there is left £500 a year for the Protestants, which I should think probably an extravagant figure—if you had to divide that among the different sects of Protestants, how would the matter stand? There are 51,500 Episcopalian, 11,500 Presbyterian, 4,500 Methodist, and there are 500 of all other denominations, 48,000 in all. Now, what would the Presbyterians get out of that £500 a year? If you divide it proportionately their proportion would be very little indeed. As 48,000 is to 11,500, so is £500 to their share. It would be less than £300 a year, and the Methodists would get only about £80; in other districts the shares would be much smaller.

10630. Lord Justice NAUGHT.—Are there any separate Presbyterian Intermediate schools in the Fermanagh district?

Mr. ASHMOUN, Q.C.—I think not.

10631. Lord Justice NAUGHT.—They have hitherto been working on the principle of taking advantage of the schools of each other.

Mr. ASHMOUN, Q.C.—These separate denominations have no schools in existence. There is only one school there. They are to construct schools according to my friend's proposition; but how is the Methodist body to construct a school on £80 a year? All these denominations feel that their only chance of having any efficient schools equipped in a proper way, and having competent masters, is to have a united school in each district; and that if the Protestant share of the endowment is to be disintegrated into all these fragments, it would be perfectly impossible to have any good schools at all. Most of these bodies were long ago in favour of mixed education, and many are in favour of it still, and it would be a most unfortunate thing—if, owing to the antiquity of the views, and owing to the prejudices of a number of members of these Diocesan councils, all the Protestants, at least all who are not Episcopalian, should be practically left without educational advantages. The Protestant share of the endowment in Fermanagh won't be used then enough, even if it be enough after compensating vested interests, to continue the existing school, and quite insufficient to create even one new school. Splitting this endowment into fragments is quite inconsistent with the basis that has been laid down of giving a minimum to each efficient school in the first instance; and if you make a permanent division of the endowments among these different religious communities—it would leave all the non-Episcopalian portion of the community entirely without educational advantages, because it could hardly be expected that they would send their pupils to the Episcopalian school, or that the Episcopalian would be willing to receive them, when they would have an independent board of their own and were receiving even the smallest grant. It would produce hostility amongst the different sections of the Protestant community and would be a disastrous thing upon all considerations. Besides, I understand that, although the Diocesan Council is in favour of this, the majority of the laymen of that body are in favour of the amalgamation and union of the different branches of the Protestant Church.

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Mr. H. T. Dine.—That is not so, generally.

Mr. Atkinson, Q.C.—I am only dealing with Fermanagh, and the very fact that different considerations apply to it strengthens my argument that there should be united local treatment instead of having one uniform system applied to districts that are under dissimilar circumstances. I strongly contend that the union of these Protestants is the only efficient way of dealing with the educational wants of the district, and the committee, whose names I have read out, are so representative that there is no fear that they won't co-operate. They are too enthusiastic about the promotion of higher class education in the district, and all the evidence was that way so far as Fermanagh was concerned. There is no entire absence of any evidence in favour of division—all the evidence is in favour of union, and the best evidence that can be given after all is the formation of this committee.

10532. Lord Justice FRYGROUSE.—We were met also in Raphoe by a local committee, including clergy and laymen of every Protestant denomination. The honorary secretary, Mr. Smith, and several members of the committee were examined, and their whole wish was to have their school managed by their united committee.

Mr. Atkinson, Q.C.—I wish to mention that not only in this committee I represent representative of different denominations, but their action was approved of at a very large public meeting composed of members of the different denominations.

10533. Dr. TRAILL.—Are you in favour of the representation in that board that we have suggested in the scheme of five, three, and one?

Mr. Atkinson, Q.C.—I am not instructed to make any objection to it. My objection is to the disintegration of the endowment amongst these different bodies.

Mr. FOLEY.—The Methodists object to the proportion fixed by the scheme, inasmuch as in Fermanagh our people are six to two.

10534. Professor DUNN.—But Monaghan is included, and it has 2,900 Presbyterians to 470 Methodists. In the united district there are only 4,500 Methodists, while there are 11,500 Presbyterians and 51,500 Episcopalians.

Mr. Atkinson, Q.C.—The local Methodists are all in favour of the union of the Protestant denominations, the local Methodist elementary, Mr. Crawford Johnston, is in favour of it, and I think before the Methodist body rush blindly into opposition to this united body, which I represent, they ought to see what will be the share of the endowment ultimately coming to these disintegrated fragments of denominational bodies, and the value it would be to each of them for independent educational purposes.

Mr. FOLEY.—We do not oppose the principle of a united board; on the contrary where it has been tried we think it has worked with considerable success, and we think subsidiary boards of the Methodists and Presbyterians, in addition to an independent board for the Church of Ireland, would be little else than a farce. But we ask for better representation. Mr. Robertson will discuss that for us when the time comes. But we sustain Mr. Atkinson's contention in favour of having a united committee.

10535. Lord Justice FRYGROUSE.—In the evidence taken at Raphoe in October, 1884, I find Mr. James H. Smith was asked by Lord Justice NICHOL—

1443. "Would the Episcopalians and Presbyterians work together on such a board?—I have had this before my mind. Having known them intensely for twenty-eight years I have never found the slightest difficulty in their working together."

Captain Montgomery said the same thing.

Rev. W. L. Berkeley.—I acted as the present secretary of the Local United Committee of Raphoe, all the members of which are quite prepared to work together, and at the Raphoe inquiry numbers of

witnesses of the Protestant Episcopal Church all said that they were quite prepared to work upon a united board.

10536. Dr. TRAILL.—There is no doubt about that.

Mr. Atkinson, Q.C.—I don't object to proportionate representation on the board, but I have another objection as to the mode of election. My objection is that while there is an annual election of members of the Protestant boards there is a different mode of election provided for the Roman Catholic boards, and my clients would wish to be permanent, and to be appointed in the same way as the Roman Catholic board. Clause 15 provides that "The first members of the Protestant Local Boards shall hold office until the 31st day of December, first happening more than twelve months after the date of the scheme, or until the election of their respective successors, whichever shall last happen," and then it provides for annual elections. But clauses 27 and 28 provide for the ecclesiastical members of the Roman Catholic board being permanent—"And that the lay members shall hold office until they die or resign, or become bankrupt or refuse to act, or become incapable of acting, or cease to reside in the district, or fail to attend one-third of the meetings in any one year, and the remaining lay members of each board co-opt to vacancies as they arise." My clients think the same mode of representation should be adopted in reference to both.

10537. Lord Justice FRYGROUSE.—We don't see how that can work, because, for example, there is only one Methodist representative, and he would be co-opted by others who were not Methodists, so in every case the remaining members would always include those of a different way of thinking from the member who was to be elected.

Mr. Atkinson, Q.C.—I quite see that there is some difficulty.

10538. Dr. TRAILL.—Beside the practice of all the Protestant institutions is to elect for everything, but we don't find fault with those who disagree with that.

Mr. Atkinson, Q.C.—Although there is every desire for unity it is not desirable to test it too much, and we think that the annual elections are too frequent.

10539. Lord Justice FRYGROUSE.—These are not popular elections. They are nominations by comparatively small bodies, which, as a rule, are themselves elected annually. Every efficient man is re-elected as a matter of course, and an opportunity of dropping out inefficient men is given once a year; whereas if they were to hold office for three years or longer, or there was to be a vacancy only when a member left the district or the like, you would have men upon those boards who did not attend to their duties. The scheme gives you, in point of fact, a civil way of getting rid of a man if you don't wish him.

Mr. Atkinson, Q.C.—Although we do not apprehend that any objectionable member will be found on the body, still that is probably a wise provision, and it is not a matter that my clients regard as of vital importance, indeed they do not lay much stress upon it.

10540. Lord Justice FRYGROUSE.—In some of our early schemes we provided for biennial or triennial elections, but when the objections which I have pointed out were mentioned we thought it better to allow an opportunity of reconsidering the qualifications of the whole body every year.

Mr. Atkinson, Q.C.—It is not a matter of vital moment.

Mr. Robertson.—In the constitution of the local Boards my clients think their claims have not been regarded as they might have been. The Methodist body are not very numerous, but they are respectable in numbers, generally well educated, and seeking education. The schools which they have established show that they have devoted very considerable energy and large expenditure, and that they have met with a very large amount of success.

in higher intermediate education. At the intermediate education examinations their schools have met with very great success, and they think that the same test of population should not be taken as determining the representation on these local boards or on the Commission itself. They suggest that regard should be had to the bodies who have interested themselves in education, and they ask you to consider their claim to direct representation on the Commission and upon the local boards.

10541. Lord Justice FRYGESSON.—What objection have you to the constitution of the local boards?

Mr. Robertson.—They think the Wesleyan Conference ought to have at least one representative on each of these boards. If Monaghan is not joined with Fermagh the Methodists are three times as numerous as the Presbyterians in Fermagh, and they ought to have three representatives there in the event of Monaghan not being joined.

10542. Professor DOUGHERTY.—What do you claim if Monaghan is added to the Fermagh district?

Mr. Robertson.—Then we only claim one.

10543. Lord Justice FRYGESSON.—Which you leave.

Mr. Robertson.—Yes.

10544. Dr. TRAILL.—You have representatives on the local boards proposed by the scheme.

Mr. Robertson.—They happen to be there now, but there is no security for the future.

10545. Dr. TRAILL.—Are not Mr. Venables of Oakdown, Mr. Paul of Fortadown, Mr. James Harley of Cavan, and the Rev. R. A. McFarlane, M.P., of Stranorlar, Methodists?

Mr. Robertson.—Yes.

10546. Dr. TRAILL.—Then you have four representatives on these boards at any rate.

Mr. Robertson.—But what we want is direct representation of the Methodist Conference.

10547. Dr. TRAILL.—Are the other denominations meeting the Methodist claim?

Mr. Robertson.—I don't think they are interfering.

10548. Dr. TRAILL.—At all events they are not here.

Mr. Robertson.—But we say that population should not be the only test, but that a body found exerting itself in the cause of education has established a claim to consideration.

Rev. Dr. MORAY.—I think we quite accept that principle.

Mr. Shaw.—The Education Committee of the General Assembly are strongly in favour of the mixed boards, and for very obvious reasons. In the first place, all the evidence in the north of Ireland, in the districts to which these schemes will apply, was practically one way, that, while the Roman Catholics and Protestants of any denomination could not well work together in the management of a school, the several denominations of Protestants found no difficulty whatever in working together; that was elicited by all the facts that came before the Commission. In Monaghan, Enniskillen Dungannon, and Raphoe, the evidence was absolutely unanimous that there was no difficulty whatever in forming local committees, representing all the various Protestant denominations, who could work a common school together at which all their children might attend; and at Monaghan we had a most striking illustration, because a committee, formed of the various Protestant denominations, had set up a school which was attended by children of all religious denominations in which the head master was an Episcopalian, the second master was a Presbyterian, the committee worked most harmoniously, and the school was most successful. There was also the other fact, which ought to be kept before the mind of the Commission, that almost every successful Protestant school in the north of Ireland is under the management of a school board. The Derry and Coleraine Academic Institutions are under the management of mixed boards. In Foyle College the Moderator of

the General Assembly and the Bishop of the Diocese are ex officio trustees, and Walter Ennals School, Lurgan, is similarly managed by a mixed board. These are among the most prosperous schools in the north of Ireland.

10549. Lord Justice FRYGESSON.—The Strabane Academy is another case, and the people subscribed £1,800 out of their own pockets to build the school.

Mr. Robertson.—The only schools in the north of Ireland that have failed are schools that are and have been in the hands of those who now claim that a special share of the endowments should be given to the Church of Ireland, on the ground that they could work with no other Protestant denomination, the effect of which would be to get a considerable portion of the endowment under their own control.

Mr. Shaw.—Where you find Presbyterians concerned in the management of such a very large proportion of the schools which are efficient, why should the Commission perpetuate a system which has proved a failure, and refuse to follow in the lines which experience has pointed out as producing successful schools? I do not understand Mr. Bewley's argument that the Presbyterians cannot work with the Church people. He seems to think that there is no possibility of dealing with them in the working of this endowment. Whether that is owing to the larger liberality of the Presbyterians or not I don't know. But he seems to think that the Episcopalians can work with nobody but themselves.

Very Rev. R. McNAMES.—The only matter upon which I will detain the Commission is an objection in reference to the locality in the Tyrone district from which the members of the Roman Catholic Local Board are taken. After communication with the Archbishop you can give us some representatives from the Omagh district, it would be well to know it.

Archbishop LEYKE.—I wish to say that when I got a request to send in names, I had not the scheme before me, and I thought it was strictly diocesan. I therefore left out Omagh though I wanted to put in Father McNAMES. But if the Bishop of Derry and Dean Byrne, who are concerned, will agree to my nomination of mine, I will nominate representatives from Omagh.

Lord Justice FRYGESSON.—As we received the names from your Grace we did not like to make any change without communicating with you.

10550. Professor DOUGHERTY.—I should like to ask your Grace whether the fact of nearly one half of the county Tyrone, being in the Diocese of Derry, should not entitle that diocese to some representation.

Archbishop LEYKE.—That is a reason why I would not ask to nominate all the Tyrone Local Board. I think it would be well if Father McNAMES, the Bishop of Derry, and Dean Byrne agreed to some names.

Professor DOUGHERTY.—The Bishop of Derry has the largest claim to representation.

10551. Dr. TRAILL.—Do you wish, Father McNAMES, laymen from that district too?

Father McNAMES.—I wish four to be on it—two laymen and two clergymen.

10552. Dr. TRAILL.—Are there any Derry representatives on it?

Father McNAMES.—No.

10553. Rev. Dr. MORAY.—What proportion of the Catholic population of Tyrone is in the diocese of Derry?

Archbishop LEYKE.—If you give us the proportions we can agree to a certain proportion of representation.

Father McNAMES.—£1,071 in Derry, 52,745 in Antrim, 15,977 in Clogher. But as Dr. Donnelly has got a board altogether for himself he might forego his claim in connection with this district.

10554. Lord Justice FRYGESSON.—Apart from the question of foregoing a claim, what part of the county is in Clogher?

Archbishop LEYKE.—The south of the county.

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10555. Lord Justice FRYGEBORN.—Does it possess any educational claims in the way of towns?

Archbishop LEYKE.—There are two or three little towns—Fintra is a small place, and the town of Clogher is merely a little village.

10556. Rev. Dr. MOLLOY.—As there are \$50,000, 40,000, and 15,000, what would your Grace say if there were four representing Armagh, four representing Derry, and one representing Clogher in the county of Tyrone?

Archbishop LEYKE.—I am quite willing to agree to any arrangement which the Commissioners make.

Dr. TRAILL.—I think it would be better to have five for Armagh and four for Derry, and to leave Clogher out on account of its having a board for itself.

10557. Lord Justice FRYGEBORN.—This is a competing board, and we can only say that they shall accept people living in the several dioceses. Probably it would meet the difficulty, to say that there shall be at least four from the part of Tyrone in the diocese of Armagh, and at least four from the part in Derry diocese, and that would leave one unfilled.

Father M'NAMES.—I am particularly interested for the reason I stated. We have the only intermediate schools of which there is any public record.

Archbishop LEYKE.—I would propose to Father M'NAMES that he and the two others concerned should agree to a proposal among themselves, and I would agree to whatever they suggest.

10558. Professor DONAGHATY.—Have you had any consultation with the Bishop of Derry in reference to this matter?

Father M'NAMES.—I think not.

Archbishop LEYKE.—I am quite prepared to give any place to the Bishop of Derry. It would be inconvenient for me to attend that board, because I don't live in the district.

10559. Lord Justice FRYGEBORN.—Then may we understand that if we communicate with Father M'NAMES and the Bishop of Derry your Grace will agree to their selection?

Archbishop LEYKE.—Yes; and in order further to facilitate matters I will vacate my position on the Tyrone board.

10560. Dr. TRAILL.—Would the Bishop of Derry, one clergyman, and two laymen satisfy you, Father M'NAMES?

Father M'NAMES.—Yes.

10561. Lord Justice FRYGEBORN.—That would leave two clergymen and two laymen representing the Armagh portion of the county, and the other clergymen might represent Armagh or Clogher as you wished.

Father M'NAMES.—I don't want more than four.

10562. Lord Justice FRYGEBORN.—We would leave four for Armagh, and the fifth could be taken either from the Tyrone portion of Clogher or from Armagh as the other members of the Board thought best.

Father M'NAMES.—I am quite satisfied with that. There is one question which arose to-day, namely, if you put Armagh, Cavan, and Raphoe, in the position that was asked for to-day. I don't consider it would be fair to the districts of Tyrone or Fermanagh to distribute their funds amongst those other districts, either for the minimum grant or the result fees competition. I don't care if you put Fermanagh, Monaghan, and Tyrone to compete with each other, but the suggestion to-day was that Armagh, Raphoe, and Cavan should be treated exceptionally, and I would suggest that, if so, those should be excluded from taking any part of the Tyrone or Fermanagh endowments.

10563. Dr. TRAILL.—You think that if the Armagh Local Board gets this minimum grant they should not be allowed to compete for results?

Father M'NAMES.—I think they should compete, if at all, on an equality.

10564. Lord Justice NASH.—You think that so

long as Armagh gets the whole of its own endowment, and if Cavan and Donegal retain their endowments entirely, they should have no claim on your endowments, either by way of results or otherwise?

Father M'NAMES.—Quite so.

10565. Lord Justice NASH.—Would you object to Tyrone and Fermanagh competing?

Father M'NAMES.—Certainly not, nor would I object to the others competing if they competed on equal grounds.

10566. Lord Justice FRYGEBORN.—We will have to consider that matter, but you must remember that the case of Armagh is a temporary arrangement, and that, in the case of the others, the whole amount of the endowments is not as much as your minimum.

Father M'NAMES.—We have made great sacrifices in Clogher, and, while the other schools are falling off, we are advancing—that is most encouraging.

Lord Justice FRYGEBORN.—The difficulty is that there is a prior charge to any local Board on the Armagh endowment, but the Tyrone local Board will get its grant at once under the scheme, and we want to give something also to the Armagh Roman Catholic Board at once.

10567. Dr. TRAILL.—Are you anxious that the Roman Catholic portion of the endowment should be kept exclusively for the Roman Catholics, or would you wish the competition to go on between the Protestants and the Catholics?

Father M'NAMES.—I have no objection to the competition if all are on equal grounds, but I have an objection to competing without bringing into the competition the funds from all the places which are competing.

10568. Dr. TRAILL.—When you can't compete for any part of their funds?

Father M'NAMES.—Yes, exactly.

Archdeacon NASH.—May I ask leave to say a few words on behalf of the standing committee of the General Synod? It was the intention of the standing committee that we should be represented by the same central who appeared for the diocesan councils, but there was some misadventure about the instructions, and in consequence it would appear as if the standing committee was allowing those important matters to pass as if they assented to them, because no one said anything on their behalf against them. But the committee felt that they would not be justified in allowing those matters to pass entirely in silence. Substantially the amendments suggested by the committee really touch, with some very small points of detail, upon the two points—the question of a united Protestant board, and the question of the division of the money at once, as against having it claimed from year to year by results. In the points which Mr. Bewley put forward, the standing committee agree with the diocesan councils. But the committee think it would be well that I should say any one or two words on the observations of Mr. Bewley in which the standing committee, as representing the whole Church of Ireland, supports him. The standing committee occupies a perfectly independent position with regard to those different districts. It is perfectly independent in the matter, except in the wish that there should be perfect fairness to all the different districts. The standing committee, although originally inclined to support the Commissioners of Education in their desire for the admission of a larger area, now quite accept the position that it has been decided that the area is to be restricted to those particular districts. Also, the standing committee are perfectly aware that there is a difference of opinion between the members of the Church of Ireland in those different districts—that in some districts the opinion of the members of the Church of Ireland is in favour of the plan of united schools, and in other districts is in favour of separate schools. But there are two ways of arriving at the result. The way is that adopted by the scheme, of appointing a united board with power to divide; the

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other method is to appoint separate boards with power to unite. This scheme really is such an elaborate piece of work, so carefully drawn up, and so well balanced, and so founded on full knowledge of the whole subject, that not only the committee, but counsel must have felt very great difficulty in proposing to teach it. But the committee had a decided preference, which they desire me to express, in favour of starting the Boards in a position of independence, leaving them afterwards to unite of their own free will, rather than starting with a united committee, having power afterwards to divide. The standing committee of the Church of Ireland is convinced that the foundation of all sound education must be in religion, that religion cannot be taught without dogma, and where those who are to impart religious education are of divergent views, on important points there is apt to be a great deal of friction when it is a united body, that is to lay down all the principles concerned. Now, if you have a series of districts in one of which you have a united body endeavouring to provide a really efficient system of religious education, and to provide that such education shall be given in these higher class schools, the tendency will be to minimise religious instruction for the convenience of agreement in something that nobody will object to, and a colourless kind of religion will be taught. That is what we see in Birmingham and London under the school boards. But on the other hand if boards acting together agree among themselves in recognising the separate and independent right to give independent instruction, the likelihood is very much greater that they will agree in providing definite instruction for the separate people of the different denominations, which will be in accordance with the wishes of their parents, and with the usual teaching of the religious denomination to which they belong. I am speaking I hope with perfect liberty and equality, as to the views of all the bodies that can in any reasonable degree claim a contribution out of the public funds for providing this kind of education. To recognise the separate claim to provision for religious education of every small community of Christians would be quite impossible, but I distinctly recognise the cogency of the arguments put forward on behalf of the Methodist Conference for claiming that they should be counted as a really existing body. They have a large number of adherents.

10573. PROFESSOR DOUGHERTY.—What is the precise number of adherents of the Methodist body?

Mr. ROBERTSON.—In Ulster, 34,000.

Dr. TRAILL.—You must leave out Antrim and Down.

10576. PROFESSOR DOUGHERTY.—Do you happen to know the number of the other Protestant denominations?

Archdeacon SCOTT.—I can only answer generally—less than one half of the Methodists—taking these altogether. If there were all one body there would be something to be said for them, but when they are divided into very little bodies it could hardly be said that they have separate claims to any appreciable share, and the only possibility that exists for them to obtain intermediate instruction is that they should go to a school set up upon a wider footing than their own. In all that the standing committee ask, they do not propose to put any difficulty or hindrance in the way of united action in the Fermanagh district. If separate bodies were set up there those bodies would unite, but I think that they would unite much better and on a much more satisfactory footing if there was recognition of the independence of each different religious body, and of the right of each body to claim instruction in religious views.

10577. PROFESSOR DOUGHERTY.—Are you aware that the representatives of the various denominations in Enniskillen told us that they have agreed to unite?

Archdeacon SCOTT.—Yes, and therefore if you give them their separate existence they will unite, and I think that they would do it on a better footing, having come together of their own free will, than as being forced together by a constitution imposed on them. On the other hand I think it is very likely that in Armagh there would be another course taken, and it would be very easily taken, on the footing of their being an original and separate constitution given to them.

10578. Rev. Dr. MONTAGU.—Do you propose to have separate Protestant Boards in Armagh from the beginning?

Archdeacon SCOTT.—In each case I propose that there should be separate Protestant Boards constituted with full power to unite, which I take it for granted they would do in some districts.

10579. Rev. Dr. MONTAGU.—Then to which of the Protestant Boards in Armagh would Dr. Morgan's school belong during Dr. Morgan's tenure of office?

Archdeacon SCOTT.—During Dr. Morgan's tenure things would be on their present footing.

10579. Rev. Dr. MONTAGU.—Then you would start in Armagh with an united Board?

Archdeacon SCOTT.—There is no Board in Armagh. There was something said, if you will allow me to say so, which was not quite fair to the Church of Ireland, that it was not meeting to the Commissioners that they should be asked to give a separate recognition to the Church of Ireland in the matter of higher education, seeing that the Church of Ireland had had these schools for so many years, and had made so little use of them. But I think, it is fairly to be said that, seeing that the Church of Ireland have had these schools, and the enjoyment of them, and that the members of the Church of Ireland have had mainly the use of them, this prescriptive claim ought to be considered in regard to the proportion which should be allowed to the Church of Ireland out of the endowment. Proportion is something, and the deprivation of an advantage which has prevented their making the same provision as their Roman Catholic, Methodist, and Presbyterian neighbours, should be fairly met. The reason why the Church of Ireland has not done so well as they might have done has been, I have no doubt, that they were learning on these endowments, and possibly they may be the better for the loss of these, but I say that they should not be dealt with too severely at one sweep.

10578. Dr. TRAILL.—You are arguing in favour of disendowment and disestablishment, Archdeacon?

Archdeacon SCOTT.—I don't think that has been altogether injurious, but the Board which had the management of these schools was of a kind which is, by general consent, treated as not a hopeful one. They were under the management of a certain number of great potentates, some ecclesiastical and some lay, having very important responsibilities of their own, and having their work lying in different places, who did not find it easy to put their united wisdom together in the management of these schools, and all who have looked at all into the history of the Royal Schools know that at one time one set of Commissioners, at another time another, came together to carry on their business, and, under such circumstances, it could not be carried on satisfactorily. More than that, it was a body constituted on a principle formerly thought wise, but which is now generally admitted not to be wise, the principle of a dignified Board, hampered by its connection with Parliament, having its expenses paid out of the estimates, and the result was that, when again and again they asked means to make the schools more efficient, and for power and means to make changes, they were refused. Now, I have no doubt this Commission will give to whatever body they constitute, united or divided, power to act with freedom and according to circumstances; and, I must say that the skill which has framed this scheme, which fills me with admiration, would be very

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easily applied to provide means by which what the Standing Committee asks may be obtained, that is freedom for the several religious denominations to exercise their powers as they think right in their high duty of imparting religious instruction and training in morality and knowledge of the Christian religion according to their own convictions. The Standing Committee have also suggested some small alterations which the Commissioners have before them in print. I would say, finally, that the Standing Committee also agree with Mr. Bewley's argument as regards the preference of an immediate division on whatever may seem to be fair grounds to a division from year to year.

Lord Justice FRYGROUSE.—We must carefully consider the opinions of the Standing Committee on the general question. We understand you to support Mr. Bewley's contention on these two points, but you have put your argument in a way that was not put to us before; and it will require consideration, whether separate boards, with power to unite, would not be preferable to the proposal of the scheme—united boards with power to divide.

Dr. TRAILL.—The great awkwardness is that local opinion is dead against the opinion of the Standing Committee.

10576. Lord Justice FRYGROUSE.—We have got evidence that if some local people were to look after the estates, the income might be increased.

Mr. Bewley, Q.C.—We think that great expense would be involved in having separate estate management. The Incorporated Society's Estates are scattered over Ireland, and have a rental partly in excess of that from the property of the Royal Schools, and when such estates can be managed by a single agent, there ought to be no reason why the Royal School Estates should not be managed in the same way by one central body in Dublin or in the North of Ireland.

10577. Lord Justice FRYGROUSE.—But the Incorporated Society has a direct interest in raising the full amount of the income from the property. We could hardly expect the same and from the Commissioners of Education who have no direct interest, and then the new commissioners will definitely be a governing body. We thought the Local Boards the best to manage the various estates, and the minimum grant was so arranged in the scheme as to give them a direct pecuniary interest in seeing that the largest amount possible was got from their property.

Mr. Bewley, Q.C.—We see local bodies mismanaging their estates.

10578. Lord Justice FRYGROUSE.—We did not find any case in which they failed to raise as much money as could be got.

Mr. Bewley, Q.C.—But the expense of management would be greatly increased by having separate agents.

10579. Lord Justice FRYGROUSE.—How? Every agent is paid 5 per cent., except the Raphoe agent who gets 10 per cent.

Mr. Bewley, Q.C.—But separate sets of books, and separate clerks, and separate methods of management, must involve additional expense. Besides this would create elements of discord.

Lord Justice FRYGROUSE.—The Commissioners have separate agents now.

10580. Lord Justice NABER.—Is your proposal to leave the administration of the estates, and the collection of the rents, in the hands of some central body?

Mr. Bewley, Q.C.—Yes.

Mr. NABER.—I think my learned friend touched the real point when he mentioned that this would create elements of discord.

10581. Dr. TRAILL.—Do you think that one-half of the board would be anxious to remit the rents?

Mr. NABER.—We think that in the county Cavan that would be a very important matter. We don't

see how we could arrive at the appointment of an agent. There would be a perfect row about it. We think the central body might appoint an agent living on the spot who would be watched by the local board, and would not give them the power of appointing him; but he will be kept to his work once you appoint the local board, and make them precisely the landlords. There are many difficulties attending the management of the estates by the local committees. In the first place I doubt whether you would get gentlemen to act upon a committee who had to manage an estate, because it is a most inviolable function you would have—the local estates committee subjected to visits every other morning from the tenants; they are not the people to deal with them at all. The proper thing is to employ an experienced agent, and let him deal with them.

10582. Dr. TRAILL.—The best managed estates are those which have the agents residing locally.

Mr. NABER.—That is what I say, but the local agent should be under the control of the Board in Dublin, and not of the local body. The local bodies won't agree to the appointment of the agent, and if they did, they would be hampered by local influences in the management of the property.

Mr. O'R, Q.C.—Let me point out that ten commissioners appointed to the central body in Dublin are members of local boards.

10583. Lord Justice FRYGROUSE.—The commissioners think it would be better that they should retain the management.

Mr. O'R, Q.C.—They do, but they think that their powers ought to be more defined. By some of the clauses their old powers are continued, and by subsequent clauses many of those powers are taken away, which they think ought to be left to them.

10584. Lord Justice FRYGROUSE.—We should like to hear the views of the local bodies in reference to this. If they would rather shift the responsibility to Dublin it would be hardly for us to differ with them.

Archbishop Logue.—I believe that the rents would not be so well collected by a local board for the reason mentioned by Mr. NABER—the tenants would be calling on the members of the local estates committee, and making appeals to them. I think that an agent under the control of the central body would be more likely to collect the rents than any local authority. Of course the agent should be living in the locality, but he would be responsible, not to the local committee, but to the central body.

10585. Dr. TRAILL.—We thought your Grace could do a little by the power of the church to induce them to pay their rents.

Mr. Drummond.—I submit that the property should be sold and the money invested.

Lord Justice FRYGROUSE.—It is all very well to say so, and we may agree with you, but we cannot force a sale.

10586. Lord Justice FRYGROUSE.—If you look at the evidence you will see that matter was not overlooked. We asked the agents whether there was any prospect of a sale being had, and in every case we were told there was not, because, owing to the way in which the estates were managed, the tenants found themselves better off as they were.

Mr. Drummond.—The Cavan property is in the hands of tenants who would buy under Lord Ashbourne's Act.

Lord Justice NABER.—We are giving most ample powers of sale, but we ourselves cannot be the vendors.

Lord Justice FRYGROUSE.—I believe we are unanimous in the opinion that although a very large loss of income would be involved in a sale it would be infinitely better for this, or for any other educational body to have nothing to do with the management of land.

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Mr. Drummmond.—There would not be a loss in respect of the Cavan property. It would be very easy to find someone to purchase on the net income, and there would be a clear profit to the Cavan property if it was sold.

10387. Lord Justice FRYGROVE.—Whether it is the opinion of your clients that carrying out the sale should be left in the hands of the central body in Dublin and their agents, or that it should be in the hands of the estates committee, or of any other local body?

Mr. Drummmond.—My clients do not think that it would make very much difference as far as the sale is concerned, but they are very clearly of opinion that it would be an advantage to get rid of all this machinery of agents, landlords, and so on.

10388. Rev. Dr. MOLLOY.—If you leave the scheme as it is they can carry out the sale themselves, but if you shift the management to the central board you will be dependent on the action of the central board as to whether the estates will be sold or not.

Mr. Drummmond.—Is it the intention to leave the power of sale only in case of the consent of both boards?

10389. Rev. Dr. MOLLOY.—The power of sale under the scheme is given to the estates committee, which will contain representatives of both boards, but you could not carry out a sale without the concurrence of the body in Dublin. But we should like to know whether you would prefer that the estates should be managed by agents appointed and removable, or by agents appointed and removable by the central board in Dublin?

Mr. Drummmond.—On the whole it would be better to have the management of the property under the control of the Dublin body.

10390. Rev. Dr. MOLLOY.—That seems to be the predominant feeling among all parties.

Mr. Robertson.—Nearly all parties agree as to that.

Mr. Curran, q.c.—My clients prefer to adopt the scheme and to leave the management of the estates in the hands of the local boards.

Amendement *Seodien*, n.r. (Enniskillen).—I fully concur with Mr. Curran. On the part of the Catholic people of Fermanagh, I say that the management of the estates should be left to the local committee, subject to the supervision of the Commissioners.

10391. Lord Justice FRYGROVE.—The Commissioners appear to despair of collecting any more rent in Donagel, and would like to hand over the property to a local body to see what they could make of it.

Mr. Drummmond.—The reason I would be willing that the body in Dublin should have control is that my clients will sell on the first opportunity.

Mr. Curran, q.c.—I wish to call attention to the constitution of the central body. There are three objections—one from Dr. Donnelly, one from the Prime, and one from the Archbishop of Dublin.

Mr. Atkinson, q.c.—I object on behalf of those I represent.

10392. Lord Justice FRYGROVE.—I believe you all object that the body is too large?

Mr. Atkinson, q.c.—We object also to the relative proportions.

Mr. Curran, q.c.—The objections of Dr. Logue and Dr. Donnelly are substantially the same. They do not think that Catholic interests are sufficiently protected in the election of the Commissioners. There are ten commissioners to be appointed by the Lord Lieutenant, and there is a clause that "regard shall be had to the due representation of the several religious denominations entitled to benefit from the endowments." That is a very elastic clause, and looks very well on paper, but it is very difficult of application. Following out the analogy which the Commissioners have adopted in the other matters of division, this scheme should provide that one half of these Com-

missioners should be at all times Roman Catholics. It seems to be now conceded that if there is to be a division at all that one half practically represents that division.

Mr. Donley, q.c.—That is not conceded at all.

Mr. Curran, q.c.—It was conceded more than once, that taking all things together the nearest division would be into halves.

10393. Lord Justice FRYGROVE.—Don't misunderstand what was said about that—that related only to the parties interested in these particular Royal School endowments.

Mr. Curran, q.c.—If the persons entitled to share in these endowments are half and half, and if the endowments are to be divided half and half, what is more natural than that the central body should be also half and half?

10394. Lord Justice NASH.—How would you select them?

Mr. Curran, q.c.—I would provide that at all times ten of these Commissioners should be Roman Catholics. I may anticipate Dr. Walsh by saying that portion of his objection in which he says that words to the following effect should be added: "The persons chosen in each case being persons who, in the matter of education, enjoy the confidence of the members of the religious denomination in question." That might be open to objection for vagueness; and I would propose as a practical way of getting rid of that difficulty that the nomination should not be vested in the Lord Lieutenant, but that, as in the case of sheriffs, certain names should be selected from the local boards, and that those names should be submitted to the Lord Lieutenant, and that out of them he would be empowered to make his selection. In that way you would give the Catholic and Protestant local boards the power of selecting gentlemen in whom each denomination would have confidence, and you would have the veto of the Lord Lieutenant as a reasonable check on the appointment of persons whom he might not consider desirable. And there should be a general provision that at all times one half at least of the existing body of Commissioners should be Catholics.

10395. Lord Justice FRYGROVE.—Why don't you strike out "at least," and make it half and half?

Mr. Curran, q.c.—Dr. Donnelly thinks he would be entitled to have more than half on the board.

10396. Professor DONOVAN.—Then wouldn't it be as well to say so, if that is your view?

Dr. TRAILL.—You had better go for half and half.

Mr. Curran, q.c.—I will leave it to the Commission to say what the number shall be over and above half.

10397. Lord Justice FRYGROVE.—Do I understand you to propose that the local boards shall in every case nominate to the Lord Lieutenant, and if he selects their nomination there shall be no further election by the local boards?

Mr. Curran, q.c.—I would not ask that the Commissioners should be reduced in number. I think there should be still twenty Commissioners, ten selected by the local boards without any veto of the Lord Lieutenant, and ten selected by the local boards with the veto of the Lord Lieutenant.

10398. Lord Justice FRYGROVE.—If the Local Boards have the first ten—I can see no object in their electing ten more?

Mr. Curran, q.c.—Simply because the first ten would not necessarily be appointed by the Lord Lieutenant because they were selected by the local boards, whereas the local board would have the absolute power of controlling the appointment of the second ten themselves.

10399. Dr. TRAILL.—That would ensure the local boards having the power of representing themselves on the Commission not only by the first ten, but also the second ten whom they had elected would

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represent the educational views of the particular body which selected them.

Mr. Curzon, *q.c.*—The objection also arises, following on the analogy of the power to elect Commissioners by the University of Dublin, the Royal University, The Catholic University of Ireland, and the Intermediate Education Board, "that the Council of Studies of Maynooth College should have a right to elect two of the Commissioners, and that accordingly the number of Commissioners to be appointed by the Lord Lieutenant should be reduced to eight, or the number of Commissioners should be increased to thirty." These are the views of Dr. Donnelly.

10500. Professor DOUGHERTY.—Would you have any objection to give the Presbyterian Colleges a similar representation, as they have a faculty constituted by Royal charter?

Mr. Curzon, *q.c.*—If the Presbyterian College is fulfilling as important functions in the Presbyterian Church as Maynooth is fulfilling in the Catholic Church, I don't see why that body should not get the power of nominating two Commissioners.

10501. Dr. TRAILL.—Don't you think that the representation is fully provided for in the case of the Catholic University, which has the power to nominate two of the Commissioners?

Mr. Curzon, *q.c.*—No, because they represent two different classes of education. The Catholic University has quite a different function to that of Maynooth.

10502. Dr. TRAILL.—Should not intermediate education be taken in a secular aspect rather than in the aspect of a religious denomination. Should the entrance examination at Maynooth be open to all denominations?

Mr. Curzon, *q.c.*—I fear say Maynooth College would be very glad of an Episcopalian came there announcing his intention to adopt the Roman Catholic priesthood as a profession.

10503. Dr. TRAILL.—But there is this difference between the bodies named here already—that they are practically open to all denominations.

Mr. Curzon, *q.c.*—There is no other matter to which I wish to refer. The scheme provides that the existing Commissioners shall (so far as, if they fulfil certain conditions, continue to be members. We think that those Commissioners have not been so successful in the management of the endowments that they should have a right to continue, and it would be only fair that the Lord Lieutenant should have the power of continuing them on if he thought fit, but we object to continuing their existence as a matter of right.

10504. Professor DOUGHERTY.—If you discuss all the Commissions, Mr. Curzon, would not that be the same thing as dissolving them.

Mr. Curzon, *q.c.*—Not dissolving them to any greater extent than this scheme does.

10505. Professor DOUGHERTY.—You destroy all continuity.

Mr. Curzon, *q.c.*—I don't think so.

Lord Justice FRANKLIN.—If we remove all the existing Commissioners, and put new ones in their place we may risk the Parliamentary grant of £800 a year.

Mr. Curzon, *q.c.*—I would like the judicial Commissioners to decide that point, but as a lawyer it would occur to me that continuity would be dissolved just as much by introducing a great number of new members as by substituting an entirely new set. The corporation would remain the same although the constituent elements might be altered.

10506. Lord Justice FRANKLIN.—We don't like to run the risk of exposing the Treasury grant to the argument in Parliament that the Commissioners are no longer the same body. Besides, I think we ought not to preserve their identity merely in form; we ought to keep it really the same body, and to leave the appointment of a substantial part of it with the

Lord Lieutenant if we expect to get the same maintenance. It is a very substantial sum.

Mr. Curzon, *q.c.*—I would not press that with the same anxiety after your lordship's explanation.

10507. Lord Justice FRANKLIN.—However, only those members of the pre-existing body are confirmed who have attended to their important business.

Mr. Curzon, *q.c.*—But the effect might be to wipe out everyone.

10508. Lord Justice FRANKLIN.—Some have attended very regularly.

Mr. Bawley, *q.c.*—I am glad to find that I am in agreement with Mr. Curzon that of the Commissioners appointed by the Lord Lieutenant some definite proportion ought to be arranged. But I do not approve of his system of nomination. I think it should be left to the Lord Lieutenant; but that it should be defined in the scheme, that a certain number should be of the Roman Catholic Church of Ireland, non-Episcopalian, or other persons, so that there should be no danger at a future time of the religious representation being turned one way or another.

10509. Rev. Dr. MOLLAY.—What proportion would you propose for each denomination?

Mr. Bawley, *q.c.*—That would depend in great measure on the proportion in which the Commission think the endowment should be divided.

10510. Rev. Dr. MOLLAY.—You would be content to let the representation follow the same proportion as the endowment?

Mr. Bawley, *q.c.*—I think so.

10511. Lord Justice FRANKLIN.—The only educated body in which the proportion is fixed is, I believe, the National Board. I think in the Intermediate Education Board and in the Royal University it is not fixed; but the Lord Lieutenant does it of his own motion. The very Commission on which we are now sitting is in the same position. There is no word in our Act about the distribution of donations among ourselves, that is a matter that the executive Government decide.

Mr. Bawley, *q.c.*—It would be better to have it fixed as is done in the case of the Commissioners of National Education, and we think that the total number of Commissioners is too large. We think it should be twenty-four instead of twenty-eight, and that franchises "(C)," "(D)," "(E)," and "(F)" should be dispensed with. We would confine it to nine appointed by the Lord Lieutenant, and fifteen Commissioners elected by the local boards. Our proposition is that there should be three local boards in each district.

10512. Lord Justice FRANKLIN.—Your fifteen would be five Roman Catholics, five Church of Ireland, and five Presbyterians?

Mr. Bawley, *q.c.*—Yes.

10513. Lord Justice FRANKLIN.—How do you propose to divide the Lord Lieutenant's nine?

Mr. Bawley, *q.c.*—They must be determined by the proportion at which you fix the endowment.

10514. Rev. Dr. MOLLAY.—If we adopted Mr. Curzon's suggestion and made a division of half for Protestants and half for Catholics, how could that be done?

Mr. Bawley, *q.c.*—I have no objection to the Lord Lieutenant's number being increased to get over the difficulty.

Dr. TRAILL.—Dr. Mollay's difficulty would be met by dividing your nine into seven and two.

10515. Lord Justice FRANKLIN.—But the result would be very curious. Of the twelve Roman Catholic representatives seven would be appointed by the Government, while of the Protestants only two would be appointed by the Government, and ten would be elected by local boards.

Mr. Bawley, *q.c.*—I think that would make very little matter.

10516. Dr. TRAILL.—I think you may give that up.

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Mr. Buxley, *q.c.*—As far as university representation is concerned we think that can be fairly met by the Lord Lieutenant's appointment.

10617. Dr. TRAILL.—Don't you think that education would be better in the hands of educational persons than in the hands of political persons?

Mr. Buxley, *q.c.*—I think that when the Lord Lieutenant nominates that should be a sufficient guarantee of the suitability of the person. We entirely disapprove of Mr. Carton's proposal—that, practically, all the appointments should be local appointments. The result would be that they would be all local persons, and would not include any person taking a general interest in education, or any person of thoroughly independent position.

Lord Justice FRYGEMAN.—Yet on your own proposal all but two of the Protestant Commissioners would be "local persons."

10618. Dr. TRAILL.—Would not the representation of the three Universities remedy that difficulty? They would go to educational persons taking a wide view of the whole question.

Mr. Buxley, *q.c.*—Under Mr. Carton's suggestion the local boards might return two representatives, and one desirable person to the Lord Lieutenant. That is highly objectionable. We prefer that these Commissioners should be appointed by the Lord Lieutenant, and that, if possible, the proportion for each denomination should be fixed by the scheme.

Mr. Atkinson, *q.c.*—I agree with Mr. Buxley as to desirability of his suggestions. My clients consider this board entirely too large. Twenty is quite large enough. We think that local interest and general educational interest should be represented, and therefore object to Mr. Carton's proposal that all the Commissioners should be locally elected.

Mr. Carton, *q.c.*—I propose to retain the Universities' nominations.

Mr. Atkinson, *q.c.*—It might have been desirable when these schools were more or less federated of the Universities, that there should have been a connection established by having two members from each University, but as this scheme would level them all down to mediocrity, and as the university examination is too great a test of scholarship, we say that this is entirely unnecessary. In addition it may be so worked as to swamp the Protestant representatives. We wish for equality between the Roman Catholics and the Protestants, and that the Protestant representatives should not be confined to one denomination. I submit that ten Commissioners should be elected by the local boards, and ten should be appointed by the Lord Lieutenant—five of whom should be Roman Catholic, and of the remaining five, two should be Episcopalian, two Presbyterian, and one belonging to any of the other denominations. If those figures do not exactly work I should increase the number so as to make a just and adequate representation of each of the subordinate groups; but I object altogether to the (C), (D), (E), (F), and last of all to this indefinable clause:—

"That whenever any University shall hereafter be lawfully established, the governing body may elect two Commissioners." That might be worked out to swamp any particular interest—For instance, supposing two Roman Catholic Universities sprang into existence!

10619. Lord Justice FRYGEMAN.—Is there any appreciable possibility that two Roman Catholic Universities would be established by law in Ireland?

Mr. Atkinson, *q.c.*—I think that anything is possible in Ireland.

10620. Dr. TRAILL.—Do you provide that the representation shall be half and half, or do you want to make it any different proportion?

Mr. Atkinson, *q.c.*—No. If that provision is to override the whole construction of the board, it would enhance the Universities in their election very much. I should prefer that all the University members should be disqualified, and that the representation of the

general interests of education should be provided for by the members nominated by the Lord Lieutenant.

10621. Dr. TRAILL.—Surely, are not the Universities more likely to provide persons skilled in general education?

Mr. Atkinson, *q.c.*—Yes, but the paramount object should be that no religious interest should be swamped.

10622. Dr. TRAILL.—If you put in the proviso that the Lord Lieutenant is to make up the balance, why need you apprehend that, when the balance is to make it half and half?

Mr. Atkinson, *q.c.*—We have not much confidence as to the way in which that clause might be read from time to time.

10623. Dr. TRAILL.—It might be provided that one-half should be always Roman Catholics and the other half Protestants.

Mr. Atkinson, *q.c.*—That would be all very well as far as the Lord Lieutenant is concerned, but if you extend that provision to the Universities they might be very much hampered in their election.

10624. Dr. TRAILL.—The Lord Lieutenant has the power of naming a larger number than all the Universities put together.

Mr. Atkinson, *q.c.*—Supposing one of the Lord Lieutenant's representatives dies, and that he is a Protestant; and that one for the Royal University dies, and he is also a Protestant—

10625. Dr. TRAILL.—You assume that both die at the same instant and that both are filled up at the same instant.

Mr. Atkinson, *q.c.*—Supposing then that a representative of the Catholic University dies, there would be then vacancies for two Protestants and one Roman Catholic—has supposing the Universities send up two Roman Catholics, what are you to do? Which of the Roman Catholics are you to disqualify?

10626. Dr. TRAILL.—You must leave the Universities to take care of that. But if you leave to the Lord Lieutenant the power of nominating more than the whole of the Universities' representatives it levels up the whole thing, and what you are arguing is a very remote contingency.

Mr. Atkinson, *q.c.*—Supposing the Lord Lieutenant's appointments are full.

10627. Dr. TRAILL.—Would not that be met by making the provisions extend over the entire scheme?

Mr. Atkinson, *q.c.*—Yes, if it was workable.

10628. Dr. TRAILL.—It is perfectly workable.

Mr. Atkinson, *q.c.*—Then it might come in the Catholic turn to fill up a Protestant appointment?

10629. Dr. TRAILL.—How could they do that—because the vacancy would be for the Catholic University, and they would have the appointment?

Mr. Atkinson, *q.c.*—At any rate, we object to the twenty-eight Commissioners and "as many others as may be added from time to time."

10630. Lord Justice FRYGEMAN.—Do you think that Commissioners appointed by the Local Boards could be relied upon to attend in Dublin to the routine business of the Board?

Mr. Atkinson, *q.c.*—I don't think so. I should like Commissioners with something more than parochial views.

10631. Professor DODDINGTON.—Would provincial views satisfy you?

Mr. Atkinson, *q.c.*—No, we should like to have those whose motives spring alone from an interest in the cause of education.

10632. Professor DODDINGTON.—After all this is an Ulster endowment, and don't you think that the Ulster people could manage this for themselves?

Mr. Atkinson, *q.c.*—I think you secure that if you strike off the University representatives, by giving them the proportion of representation I suggest. My board is twenty and I should allow the Ulster representatives to have ten, and it would be practically impossible to carry any question vitally affecting their interest against their wish.

10633. Professor DOUGHERTY.—The local representatives could not be expected to attend regularly in Dublin.

Mr. ATKINSON, Q.C.—But for the general routine management the Dublin representatives might be fairly trusted.

10634. Dr. TRAILL.—The educational representatives sent in by the Universities would be more likely to represent the educational interests of the whole country than men sent in for political purposes?

Mr. ATKINSON, Q.C.—If they are appointed for political purposes, I would not have them sent in at all.

10635. Dr. TRAILL.—Then you had better strike out the Lord Lieutenant's nominations, and not have them sent in at all.

Mr. O'RR, Q.C.—The views of the Commissioners whom I represent is that the proposed number is too large. The existing Commissioners consist of eleven.

10636. Lord Justice FITZGERALD.—There would be far more than eleven, if the Lord Lieutenant had appointed the full number.

Mr. O'RR, Q.C.—If this committee of twenty-eight all attended pretty regularly, the board will be too large to be manageable. You will never get two meetings successively attended by the same members, and there would be no continuity of action. We suggest that a very small number would work much more satisfactorily, and that eight should be the number of the new board.

10637. Dr. TRAILL.—Have you not often had only two members present, and from time to time been obliged to send out to find a third person to sign the cheques?

Mr. O'RR, Q.C.—We think that with a smaller number you are likely to have better meetings. The Commissioners suggest that eight should be the number, and that there should be an abolition of the ex-officio members. That is conceded on all hands. We suggest that three should be appointed by the Lord Lieutenant with due regard to the proportion of the religious denominations likely to attend the schools.

10638. Lord Justice FITZGERALD.—How could the local boards express their views unless they had representatives on the central authority?

Mr. O'RR, Q.C.—We are opposed to local boards altogether.

10639. Rev. Dr. MORRIS.—But supposing that local boards should exist, would it be objected to by your Commissioners if we gave ten to be appointed by the Lord Lieutenant, and ten to be appointed by the local boards, who could go up to Dublin when business affecting their locality was before the central board.

Mr. O'RR, Q.C.—I have no instructions upon that, but I suppose it would not be objectionable. But we think that one of the great objections of the scheme is that the local boards are to have complete control of education under the scheme.

10640. Rev. Dr. MORRIS.—From what has taken place you may see that there is a strong feeling among all parties in favour of local boards.

Mr. O'RR, Q.C.—Yes, I gathered that, and from the evidence taken before the Commission; but at the same time my board objects to local boards.

10641. Lord Justice FITZGERALD.—Your proposition simply amounts to the abolition of the "fancy franchises." But there are other endowments that these Commissioners will have to administer besides the Ulster ones—in any case there are the Bannagher and Caryfort Royal School endowments. Besides you will see that at a very early stage we represented to the Chief Secretary, and also reported to Parliament, that the utmost we could do with these endowments was to establish a system in five or six counties which would accommodate the fact that no similar provision was to be found elsewhere, and if this led to the extension of the system to the whole thirty-

two counties, I don't think it would do to have it administered by a body of Commissioners elected by these five counties.

Mr. O'RR, Q.C.—We object to local boards altogether, and it is impossible to separate the two things.

10642. Lord Justice FITZGERALD.—But if the local boards stay as proposed, you support the view that there should not be more than ten Commissioners, and that all these should be nominated by the Lord Lieutenant?

Mr. O'RR, Q.C.—Yes.

Mr. ROOKE, Q.C.—On behalf of Dr. Logan, I support his objection that the council of studies of Maynooth College should have the right of electing two commissioners. Considering that a great many of these students who eventually come under the control of the council of studies of Maynooth College necessarily pass through intermediate schools, it seems reasonable that that body should have some representation on the commission.

10643. Dr. TRAILL.—You support the university representation generally, and then you think that Maynooth College ought to be added to the number of institutions represented?

Mr. ROOKE, Q.C.—Yes.

10644. Dr. TRAILL.—And Mr. CARTON also supports that view?

Mr. ROOKE, Q.C.—Yes.

Mr. DUNNE.—I support that view also.

Mr. ROBERTSON.—The Methodist body contend that the scheme should not be confined to commissioners belonging to the largest denominations; they think they are entitled, and they certainly desire to have direct representation on this central board accorded to them. They have no wish in the scheme as it is presently framed, because they have never found any favourable reception in Dublin Castle. But to the suggestion of Mr. CARTON, I certainly would most strongly object that the local boards upon which my clients sorely appear should be made the nominators of all the commissioners, and that a more power of selection than among those nominated should be given to the Lord Lieutenant. The result would be that the majority of these boards would nominate their own representatives, and the other denominations would in no case have any representation at all. We conceive that we have shown ourselves to take such an interest in education, that we are entitled to have some direct representation on the central body, and we object to leave the nomination of the central body almost entirely in the hands of these local boards.

Mr. SHAW.—The committee of the General Assembly take a different view to any that has been put forward. They think that the functions given to the central body of commissioners should be executive and ministerial almost altogether, and not at all deliberative, and that, therefore, the body should be a small one. All experience shows that where a body is not deliberative, but merely executive, a small body is much more efficient than a large body. The body of existing commissioners is very large, and it has not worked well when you have a large body doing business of this sort—what is everybody's business is nobody's business; where there are twenty or thirty looking after it no one is responsible, and considering that the functions of the central commissioners will consist chiefly in managing the financial business of the endowments, we think that a body of five at the very most should be appointed.

10645. Dr. TRAILL.—How would you distribute your five?

Mr. SHAW.—If you would take the composition of the Commission now sitting, very much the same lines that would satisfy everybody.

10646. Dr. TRAILL.—You think we are a good working body?

Lord Justice FITZGERALD.—I may say that there are some members of this Commission who would not accept a permanent appointment.

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Mr. Stow.—I don't suppose that the Commission could be perpetuated, but a Commission appointed on the same lines would give every satisfaction. What is the meaning of representing the universities on a body which will have no educational functions whatever. There is nothing in this scheme which gives them control over the education.

10647. Dr. TRAILL.—I beg your pardon. There is a very serious control given in the schedule; the Commissioners may recognise examinations, and will have very strong powers.

Mr. Stow.—You may select the examinations which will be taking as qualifying tests, and it does not require representatives of the universities to deal with the matter. I take it that representatives of universities would be the very last who should be put on a commission to deal with finance and business matters. They would be elected not on the ground of financial capacity, but rather of educational capacity.

10648. Dr. TRAILL.—Don't you think that there should be much communication as possible between the universities and the schools? The common examination of the university to which I belong is not in my opinion at all suitable to the requirements of the Intermediate Education Board, and if the universities and schools and Intermediate Education Board were working in harmony under some such board as this, the probability is that there would be some strong reason to make them work more in harmony than they do.

Mr. Stow.—My contention is that if they meet for the purpose of giving directions as to the collection of moneys, or to investigate their agent's accounts the representatives of the universities will take very little interest as a general rule in matters of that sort.

10649. Lord Justice FRYGROVE.—But you overlook a very important part of their work. The transaction of this central body is to act in all cases of emergency and dispute between local boards, and to adjudicate on the sides of the schools to share the moneys. There are many matters which the local boards might fight about, and which would have to be decided by some central body or authority.

Mr. Stow.—Surely all that is laid down in the scheme itself?

10650. Lord Justice FRYGROVE.—The conditions would lay down, but to enforce these, and to see whether any particular school or local board complies with them is another matter.

Mr. Stow.—The local boards have the selection free among the schools in their own districts which have fulfilled the conditions of those for which they will claim moneys. I don't see how the central commission could interfere with that.

10651. Lord Justice FRYGROVE.—How do you propose that the Commissioners should be constituted?

Mr. Stow.—I propose that there should be a Commission of five at the utmost, and that they should be appointed by the Lord Lieutenant in certain definite denominational proportions. I would give two to the Catholic Church, two to the Protestant Episcopal Church, and one to the Presbyterian Church.

10652. Lord Justice FRYGROVE.—Even if this Commission satisfied anybody, which it probably would not, it would be simply creating a second board identical with the existing Intermediate Education Board, and it would be very hard to preserve the continuity of the present Commissioners.

Mr. Stow.—That board would have to do simply with the financial management of these endowments. The Educational Committee of the General Assembly are of opinion that this being an Ulster endowment, the Commission should be composed of five Ulster men, and that their place of meeting should be Armagh, Banbridge, Dungannon, or some other place in Ulster.

10653. Rev. Dr. MOLLOY.—Your proposal amounts practically to a scheme for constituting a new educational body for Ulster, consisting of five persons in the

proportions you have named, and transferring from the Commissioners of Education to that body the estates and property of the Royal Schools of Ulster.

Mr. Stow.—Yes.

10654. Rev. Dr. MOLLOY.—Leaving the Commissioners of Education in Dublin untouched, but divested of the greater part of their property and of their functions.

Mr. Stow.—The scheme for the preservation of the vested interest of the present Commissioners might be kept up.

10655. Rev. Dr. MOLLOY.—We should have transferred these interests to the Ulster Board. There would be nothing left for the old body to govern but Banagher and Carrifork.

Mr. Carter, Q.C.—This new body would not have the Government grant.

10656. Lord Justice FRYGROVE.—And the old body might have a Government grant of £500 a year to manage a property worth £500.

Mr. Stow.—I am only proposing to substitute a body of Commissioners for that proposed in the scheme, and if the Commission put my proposition into the scheme the grant would surely then have been equally justifiable.

10657. Lord Justice FRYGROVE.—I may say for Lord Justice Nisich and myself, that we should not feel ourselves justified in proposing to Parliament for that is what it comes to—a continuance of the existing charge on the Consolidated Fund for an exclusively Ulster Board. It is defensible only as granted to a central body to govern endowed schools all over Ireland. If you have a merely provincial body you must make up your mind to pay for it yourselves.

Mr. Stow.—That, of course, is another matter altogether. I am not contending for anything other than that there should be a board such as I propose, and that that board should be substituted for the board proposed by the scheme.

10658. Lord Justice FRYGROVE.—That Ulster should swallow up Ireland.

Mr. Stow.—The Ulster endowment is the real endowment that the new Commission, however constituted, would have to deal with, and our proposal, we think, is more practical than the proposal to constitute a board of twenty-eight persons, none of whom would be likely to take the slightest interest in the business.

Mr. Stow.—We support the argument of Mr. Addison that there should be a board of only twenty, that of the members of the Lord Lieutenant five should be Catholic and five Protestant, and we leave the selection to the Lord Lieutenant. We say that the University representatives should not be left doubtful. We particularly object to the last words of the clause because its effect is left in the dark. Your decision should be final, and everybody should see what is before them. It is clear in that case that there are materials for quelling the whole equilibrium of the board. We ask that the quorum should be increased to seven to make an efficient board. We ask you to reduce the board, but to increase the quorum; if you leave so small a quorum as five you will have no continuity.

10659. Lord Justice FRYGROVE.—We considered this matter carefully. If you reduce the number to twenty, of whom ten are country members, you will find it impossible to procure the attendance of seven of the ten Dublin members for the routine business.

Mr. Stow.—But I hope that the experience of the last board is not to be taken.

10660. Lord Justice FRYGROVE.—We have efficient as well as inefficient boards before our minds, and no board can show a regular attendance of seven out of ten.

Mr. Stow.—It won't have much business to do.

10661. Lord Justice FRYGROVE.—Then there

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Mr. *Doyle*.—Out of twenty they should be able to get a quorum of seven. With a quorum of five they will be reversing the action of one another, a different five will stand one day from those attending another.

Mr. *Doyle*, Q.C.—We think that seven out of twenty-five would be a satisfactory quorum.

Mr. *Carton*, Q.C.—In my opinion seven would be an insupportable quorum. They never would attend. Archbishop *Walsh*.—Speaking for the Roman Catholic Bishops—who have sent in a series of objections—on the point of the nomination by the Lord Lieutenant of ten of these Commissioners, I may say that our experience is that such nominations are in many instances unsatisfactory as regards Catholic interests. Your scheme declares that in making these nominations the Lord Lieutenant shall provide for the due representation on the Board, of the various religious denominations entitled to share in the endowments. Now persons are sometimes nominated by the Lord Lieutenant as the Catholic members of a board, who are publicly known to be advocates of a system of education which is condemned by the Catholic Church. We cannot consider that satisfactory. I speak now of the nomination of persons publicly known to be advocates, and even officials of an educational system condemned by the supreme authority of our Church—the supreme authority of the Holy See. We do not and we cannot consider any such system satisfactory, and manifestly we cannot recognise any such person as a suitable representative of Catholic interests in education.

10662. Lord Justice *FryGinnon*.—How can that difficulty be met?

Archbishop *Walsh*.—I have suggested the addition of certain words, which, however, I am afraid will not meet the difficulty very fully—and it may be hard to meet the difficulty very fully unless the Commission would adopt some suggestion such as Mr. *Carton* has made—but I should propose that that should be done in a slightly different form. I have suggested the insertion of a proviso that the persons to be nominated as representatives of any religious body should be persons enjoying the confidence of that body in matters of education. But no provision can be adequate which leaves the selection in the first instance to the Lord Lieutenant. The scheme as it stands contemplates the selection of twenty Commissioners in the first instance—ten appointed by the Lord Lieutenant—and ten elected by the local boards of education. There are ten local boards. I would suggest that each local board should be authorised to send up three names to the Lord Lieutenant, and that the Lord Lieutenant should nominate two representatives from the three persons so sent up. I keep the number as it is. And with a view to getting over a difficulty which seems to press on the minds of many of the Protestant representatives, I think that each board when sending up these names to the Lord Lieutenant should have a cumulative vote, so that the minority upon it, if of any importance, would be able to secure the presence of one at least amongst the three names to be sent to the Lord Lieutenant. The likelihood is that the Lord Lieutenant would in a sufficient number of cases take the minority representative and one majority representative, and in that way justice would be done all round. This would secure a fair representation as between the Episcopalian and other Protestants on the Protestant board, and as far as the Catholic boards are concerned the difficulty I feel would be fully met, because there would be an absolute guarantee that the Catholics whose names would be sent up to the Lord Lieutenant would really be suitable representatives of Catholic interests.

10663. Lord Justice *FryGinnon*.—You would not propose that they should necessarily be local persons?

Archbishop *Walsh*.—No, I would leave that to the

boards. I should be in favour of having on the local representatives of the Universities; and I think I can say for the Catholic Bishops, that if some plan like that which I have suggested be adopted in order to secure adequate and efficient Catholic representation, the proposal of a direct representation of Maynooth College on the board would be withdrawn.

10664. Lord Justice *FryGinnon*.—As I understand, the body that would send forward the names to the Lord Lieutenant—in Bishops for instance—would be the local board of the Bishop's district?

Archbishop *Walsh*.—Yes.

10665. Lord Justice *FryGinnon*.—Is not that a very restricted body to nominate representatives for selection to a body for the whole of Ireland?

Archbishop *Walsh*.—I think the interests of the whole of Ireland are very fairly provided for by provision of representatives of the University of Dublin, the Royal University, the Catholic University, and the Intermediate Education Board.

10666. Lord Justice *FryGinnon*.—But it is proposed that those are to go out.

Archbishop *Walsh*.—Well, all I can say is that I think it would be a fatal mistake to strike them out, because those are the only safeguards you have for the general educational interests of the rest of the country.

10667. Lord Justice *FryGinnon*.—I am glad to hear that expression of opinion from your Grace. I thought you went with some of those who have objected to those University representatives. Supposing, in case the local boards are confined to direct representation, and the principle of nomination was adopted as to the other Commissioners, is there any central authority that could send in names from whom the selection might be made?

Archbishop *Walsh*.—I see great difficulty as far as the Catholic nominations are concerned. I don't think that the bishops would propose that the names should be sent forward by them as a body. We must provide for the representation of the laity as well as of the clergy. I take it that these local boards are the only nominating bodies from the Catholic point of view. Therefore, I make that suggestion, and I merely throw out that suggestion, generally, for the consideration of the Commissioners. There may be mistakes, but we think it is better that the scheme should work according to the lines I have suggested. The interests of Ulster are the principal interests to be looked after. Ulster men should have the chief control in the management of them.

10668. Lord Justice *FryGinnon*.—But we should not abandon all hopes of constituting a body capable of representing the whole of Ireland.

Archbishop *Walsh*.—The representatives from the universities and the intermediate education board will secure a sufficient safeguard in the general interests of education.

10669. Lord Justice *FryGinnon*.—Two large questions remain—the school buildings and the vested interests. We will take the school buildings next and then consider the vested interests. As to these interests, up to the publication of this scheme we had no definite scheme that we could rest as the basis of consideration, and we think we ought to hear to-morrow from counsel and the gentlemen interested, the general principles which will probably be the same for all, and therefore one discussion will dispose of all those cases. We cannot now go into details about length of service in each individual case. If we settle the general basis it will be the most that we can hope to accomplish at this sitting.

Mr. H. T. *Don*, Solicitor.—The case of Mr. Gordon, the assistant master of Armagh, stands in a peculiar position.

Lord Justice *FryGinnon*.—The case of all the assistant masters are in principle different from those of the freeholders, but if any special principle affects

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any also we will of course hear it. With regard to the schoolmasters each case will be considered on its own merits—for instance the circumstances of the residence of Mr. Moore, at Cavan, are different from those of Dr. Steele's residence, in Portora. We think each gentleman should be prepared to state, first, whether he desires to retire or to continue in office? In other words, does he claim that his vested interest should be saved, or that he should be compensated? It is for us to decide what we shall do, but he must make up his mind what he is claiming. If he wishes to go, he must tell us the existing value of what he has, and whether he desires to be compensated by a life annuity or by a capital sum, how he proposes to calculate his compensation, whether on full pay or half pay, and if by a capital sum—how he calculated it? If these details are given to us in writing, we could without any injustice discuss them subsequently, either by correspondence, or personally, but they are not of general interest, and we ought not to expose the elements to the necessity of going into these particulars in public court. The question as to the fund out of which these compensations are to be provided—whether out of the individual endowments or out of the money funds, is one which may be discussed here.

Mr. Walker, Q.C.—Am I to understand that the returns headed in are not sufficient?

10676. Lord Justice FRYGROVER.—The returns furnished are all in the same form—all claim to preserve the existing interest, but do not state what it is—we want to know whether each head master proposes to remain on, or under what conditions he is willing to retire—if we were obliged to admit these claims that have been sent in, we should simply say in each case that the scheme shall not come into operation until the 1860 interest drops, because otherwise the compensation would swallow up the whole endowment.

Mr. Walker, Q.C.—The scheme presents two alternatives. One is a leap in the dark.

10677. Lord Justice FRYGROVER.—We do not ask you to elect, but each to state his claim.

Mr. Walker, Q.C.—We should like to know what they will get.

10678. Lord Justice FRYGROVER.—Remember we have proposed that each of these gentlemen shall retire on a life annuity equal to his full salary. There is a great deal to be said in point of law, as to what his rights are. If a man is appointed to be a schoolmaster, and the school disappears under his management, does his office continue as a matter of right? And we should like to know especially whether he funds a claim on the occupation of the school-house in a case like Portora, from which the furniture has been removed, and where the master has not resided for some time.

Mr. Bailey, Q.C.—If any of these parties says "I elect that my right should be preserved," it is quite in the power of the Commission to say "we will compensate you." So that in either case it will be necessary to go into the question of compensation.

10679. Lord Justice FRYGROVER.—It may be, but do not understand me as suggesting that we can give you the option of taking either course. If one of these gentlemen says, "I elect to stay," we must refer him to the evidence of his having demanded a retiring pension, and if he now claims a retiring pension he must tell us how much he claims, and upon what title and calculations he bases his claim.

Mr. Atkinson, Q.C.—Will you hear us on this question? Some might like to preserve their interests as teachers, and some might not.

Lord Justice FRYGROVER.—Certainly. Mr. Drummond.—I should like to enter somewhat more into detail, into the question of the value of these matriculation examinations, and one very important factor, the inclusion of Maynooth College.

10674. Lord Justice FRYGROVER.—What we want to get is a fair comparative test of the educational

work actually done by the several schools every year. As one alternative it has been suggested to take the intermediate school examinations only, but though the compound arithmetic would be more simple you would then have the division of the endowments arrived in on the result of one single test, and we doubt that that is sufficient.

Mr. Corry, Q.C.—I understand that you would extend the area, and include the matriculation examinations.

10675. Lord Justice FRYGROVER.—We would not exclude the matriculation examination of Maynooth if we included the matriculation examinations of Trinity College, and the Royal University, and the Woolwich, Sandhurst, and Indian Civil Service examinations.

Mr. Corry, Q.C.—You have already included the matriculation examination of the Royal University, and the matriculation examination of Maynooth is higher than that. For example, Greek in the Royal University is optional, and in Maynooth it is compulsory.

10676. Lord Justice FRYGROVER.—But I must again impress on you that our object is not to compare examinations as tests of scholarship, but to estimate the relative amount of genuine intermediate educational work done by different schools.

Mr. Shaw.—Do you require to-morrow additional information as to the claims of the assistant masters?

10677. Lord Justice FRYGROVER.—We know what their emoluments are, but we shall have to consider their case on general principles.

Mr. Duns.—I don't know whether you would consider the powers of the Commissioners as regards saving the existing assistant masters' interests.

10678. Lord Justice FRYGROVER.—What is there to save?

Mr. Duns.—Some of them are appointed under the Act 13rd George III., which provides that they could not be dismissed by the head master without being brought up before the Education Commissioners.

10679. Lord Justice FRYGROVER.—We will hear you as to the general principles upon which their compensation is to be settled, but it would be singular if we were to move the position of the assistant master and to abolish the office of the head master.

Mr. Duns.—Still that would be an element of consideration in deciding the amount of compensation.

Mr. Walker, Q.C.—I appear for Dr. Moore Morgan and Dr. Ringwood, and I should be glad to know if there is to be an argument against my clients both on principle and on their figures?

Mr. Corry, Q.C.—It would appear to me that there can be no controversy as to Dr. Moore Morgan's figures, but there will be various questions as to whether some of the heads under which he claims will be proper.

10680. Lord Justice FRYGROVER.—We can not now go into any controversy, for example, as to the amount of Dr. Moore Morgan's fees from pupils; but there may be a serious controversy as to how those fees should be calculated in my assessment of his retiring allowance.

Mr. Walker, Q.C.—If the figures are taken as correct that will answer my purpose.

Lord Justice FRYGROVER.—The actual figures must be verified hereafter, and we would not think of now examining or cross-examining these gentlemen as to the details of their emoluments.

Mr. Walker, Q.C.—Then we have sent in enough figures, I suppose.

Lord Justice FRYGROVER.—You have sent in a number of figures, but whether they are the right figures we have to inquire.

The Commission adjourned.

Aug. 4, 1888.

## PUBLIC SITTING—SATURDAY, AUGUST 4, 1888.

At the Four Courts, Dublin.

Present.—The Right Hon. Lord Justice FITZGIBBON and the Right Hon. Lord Justice NAHE, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., D.Sc., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, Jun., was in attendance.

THE ROYAL SCHOOLS ENDOWMENTS, AND OTHER EDUCATIONAL ENDOWMENTS  
ADMINISTERED BY THE COMMISSIONERS OF EDUCATION IN IRELAND.

The same counsel and solicitors appeared as on the preceding days.

The Rev. Bernard McNamee, P.P., V.P. (Omagh).—Might I mention one matter in connexion with the representation of the Diocese of Derry. I omitted to mention that there was a representation required for Lurichewen, which is in the county of Donegal, but belongs to the Diocese of Derry.

10481. Lord Justice NAHE.—Lurichewen is included in the Raphoe district for the purposes of our scheme.

Archbishop Legue.—\*This is a matter for the Bishop of Raphoe; but I wish to mention that Father McNamee is too clever for the whole of us—for when giving the numbers in the county of Tyrone yesterday he gave 15,000 to the Bishop of Clogher, he gave us 52,000, and he gave himself 40,000, but he left out 15,000 of the Derry part of the Diocese of Armagh.

Father McNamee.—I supposed that part of Derry would be thrown out of the Tyrone district.

Archbishop Legue.—At a rough estimate there would be 15,000 or 16,000 Catholics in the part of the Diocese of Armagh which is in the county of Derry, and which is included in the Tyrone district. We are inclined to give Father McNamee fair play, but I think it would be better to leave the matter open until the parties immediately concerned have reconsidered it.

10482. Lord Justice FITZGIBBON.—There will be no hurry, because we want to take a holiday after we have done here.

Rev. Professor Maguire.—There is one layman, a magistrate, from Derry, on the list of names suggested for the Raphoe Board.

10483. Lord Justice FITZGIBBON.—Father McNamee has pointed out that there are certain localities unprovided with representation. The mistake arose partly from the archbishop not being aware of the difference between the diocesan boundaries and those of the districts, and partly from Father McNamee's not coming before us in the country. There are, therefore, now matters, and we will communicate with those concerned, of whom the Bishop of Derry is one. That would be only fair.

Bishop Donnelly.—There are six parishes of the Diocese of Clogher situated in the county of Tyrone, and we claim, therefore, to have some representation on the Dungannon Local Roman Catholic Board.

10484. Lord Justice FITZGIBBON.—There is no use in getting into a discussion about this matter now. It may be settled on consideration among the three bishops concerned.

Father McNamee.—I will only say that the fact that we have established the only Catholic schools that have appeared before the public as intermediate schools in the Tyrone district ought to be considered.

10485. Lord Justice FITZGIBBON.—If so, the scheme as it stands would give you the whole of the Roman Catholic share of the Tyrone endowment, and what more you could want, I don't know.

Archbishop Legue.—We have schools also, and we will count heads with him. But that is a matter for the future. I wish to ask one question. Two members of the Armagh Board have become non-resident since I sent in their names, would it be better to replace them?

Lord Justice FITZGIBBON.—Yes, but it will be time enough to do so in a couple of months. We should wish to start these local boards with residents.

10486. Lord Justice FITZGIBBON.—The school buildings are the next matter. There was a good deal of opinion and evidence yesterday against having the estates committees, and therefore the machinery proposed in the scheme for settling by agreement with regard to the buildings has been very grossly objected to, and the question is, therefore, very open. But my judicial colleagues, and I, myself, both think, in point of law, that the buildings and the lands occupied with them are part of the local endowment, and that their value is to be taken into account as belonging to the endowment in each case. To what purposes they are to be applied is another matter; if there is to be any preferential treatment or pre-emption, only one plan for it can be recognised as it occurs to us, subject to anything we may hear, and that plan would be a proposal to utilize them for some schools already established or to be established under the scheme. We should be glad to hear in each case the views of the parties in each locality as to how the buildings ought to be used, whether other party wants to have them for the purposes of the scheme, and if not, what should be done with them; if either party wants to have them for the purposes of the scheme, then, upon what terms would it be fair that they should get them. Prices for the terms that would be fair and just would be for one party to take them on account of their own share of the endowment as per—if I may say so. That would at once raise a question of amount. Many objections have been made to this part of the scheme. It is said that if one party had a real need or even a sentimental desire to get the buildings, the other party would be able to raise the price to an extravagant figure. That objection can be fairly and completely met, if the party who does not want the buildings will name a figure for the purchase money. That party can then say to the other "you may have the premises at that price if you like, and if you won't have them at that price we will take them at that price, and make what we can of them, and in the

\* See Appendix B, No. LXX, p. 502.

division of the endowment will allow ourselves to be charged half the price we have put on them." If the parties cannot arrive at a valuation in that way I see no alternative except to put the premises up to sale. The scheme as it stands does not make any final arrangement about the school buildings, and we could not ask the parties to go into figures to-day, but we wish to hear to-day in each case whether the parties want the buildings for themselves, and if not how do they want them to be disposed of?

Mr. Curran, Q.C.—As I understand the scheme, it proposes that as soon as it is in working order the two parties, or estates committees if they are constituted, are to meet and, if they can, agree to a scheme; if they cannot agree to a scheme within six months, then the Commissioners are to sell them.

10682. Lord Justice FRANKLIN.—Everyone has objected to the scheme on this point, and there seems little probability of an agreement unless it is arrived at in time to be embodied in the scheme. The very same difficulty arose in the case of the Swoth scheme, and the parties ultimately fixed upon the figure of £5,000 at which the buildings should be taken or left, the Protestant board having the first option. If those interested in the Royal schools did likewise in each case there would be no difficulty.

Archbishop Walsh.—The arrangement in the Swoth case has apparently been most successful and most satisfactory. We should have been in a constant struggle, in all probability, if it had not been settled in that way.

10683. Lord Justice FRANKLIN.—It turned out very satisfactorily in the interests of harmony between the two boards; but whether the Protestants were wise to take such large buildings rather than the £5,000 is another question which those before us now might do well to consider.

Mr. Sealey, Q.C.—My clients would ask that some such scheme as your lordship has suggested should be adopted. There would otherwise be a danger either of the buildings being sold at a great sacrifice or of the price being raised at an auction to an extravagant sum.

10684. Lord Justice FRANKLIN.—Yes, there is that danger. If you possibly can, agree upon the principle and try to settle a figure. If you like to leave it to us to name a figure we would do the best we could, but we cannot force ourselves as valuers upon you, because one party or the other would think himself unfairly treated.

10685. Rev. Dr. MOLLOY.—The practical proposal made in this—the parties are here present, and if we can do here now what is proposed to be done by the conference of the local boards it will be a great help in getting the scheme started.

Mr. Curran, Q.C.—Speaking for Dr. Donnelly and the Fermanagh board, we have not yet considered the question either of leaving this matter to be settled by the local board, or, if the local board could not agree, ultimately to the Commission. Until we know what the other portions of the scheme are it would be impossible to say what should be done with the buildings or which party would like to take them. We should know the definite percentage of the endowment which each denomination is to get—in other words the funds which would be at the disposal of the local boards. Mr. Atkinson has claimed for the Fermanagh Protestant local board two-thirds, and that the Catholics should receive only one-third. Under those circumstances the position of Dr. Donnelly would be different from what it would be if he got an equal share.

10686. Lord Justice FRANKLIN.—I think we had better go through the schools series first. The Armagh case is very special, and therefore we had better not take it first. Next in order is the Cavan case, and, if you examine it, you will see that there cannot be by any possibility a difference of more than £100 one way or the other whichever proposal we adopt. Mr. Drummond, are you satisfied with what the scheme

proposes, that the Cavan buildings and land should be treated as part of the endowment?

Mr. Drummond.—Certainly.

10687. Lord Justice NASH.—Then we may ask the two bodies if they could agree to the price at which they should be sold or valued.

Mr. Drummond.—As to leaving power to the two bodies to sell in the best way they can, I am satisfied with the scheme.

10688. Professor DOUGHERTY.—Has the body you represent to provide buildings in Cavan for educational purposes?

Mr. Drummond.—No; we have St. Patrick's College buildings.

10689. Lord Justice FRANKLIN.—You don't want the Cavan Royal school buildings for any educational purposes under the scheme?

Mr. Drummond.—No.

10690. Professor DOUGHERTY.—Then your only interest in them is to get your share of as much money as they are worth?

Mr. Drummond.—To get my share of the money for them as part of the endowment.

Mr. Ross.—I object to the scheme on that point. The Catholics do not desire the buildings. They are over-built—if I may use the expression—already, for they have a splendid college, and larger, probably, than they require, while the Protestants have no buildings whatsoever in the whole county; and they are most anxious to retain the present buildings. They think they have a fair claim, being in possession, to get the Royal school handed over to them.

10691. Lord Justice NASH.—Our view at present is that it is public property, part of the endowment; if you object to that principle, we will hear you.

Mr. Ross.—I contend that these buildings should be handed over to the Protestants altogether, and not taken as part of the endowment at all. They were built out of the income of the estate, and the Protestant body was in possession of the income at that time. Being in possession for so long they have a fair claim to those buildings, and owing to the hopeless condition of the estate there will be no provision for the intermediate education of Protestants in the county of Cavan, if they do not get these buildings, or if they have to pay very heavily for them. The estate in the county of Cavan is, I believe, the worst of all, except, perhaps, Devergal, and the Protestant local board would be afraid to build schools. They have had intermediate education carried on in these buildings up to the present time.

10692. Rev. Dr. MOLLOY.—From which they have had very little advantage.

Mr. Ross.—But that was not the fault of my clients.

10693. Lord Justice FRANKLIN.—Whether their fault or misfortune, of this there is no doubt, that the only advantage the people of Cavan have had from the school has been that there were eighteen day boys in 1868, seventeen in 1884, and twelve in 1879, in the school. It has been increasing, and it has now a larger number of day boys than ever, so that the whole advantage of the Royal school to the Protestants of Cavan, as a matter of fact has been the privilege of paying for eighteen day boys.

Mr. Ross.—The facts of the past differ very much from the possibilities of the future. We have every hope that under vigorous management, with a good modern school there is plenty of material among the Protestants of the county of Cavan.

10694. Lord Justice FRANKLIN.—No one wants to prevent you from having these buildings on fair terms, and it is manifest that it would be most wasteful to build a new school while the old one is there. The only point we have hitherto heard you dispute is that we should treat the value of these buildings as part of the endowment. The tenement valuation of the land is £28 10s., and of the buildings £70. If we

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took the whole at £160 a year, dividing this half and half on the same principle as the minimum grant, you would be entitled to £80; dividing into two-thirds and one-third you would get £53 against £54, so that the proportions proposed would only make a few pounds difference one way or the other.

Mr. Drummond.—I can undertake on the part of Dr. McGinnis that my friend's clients will be treated in a most reasonable spirit, and to a most reasonable valuation.

10700. Lord Justice Fitzgerald.—What would you say to "Griffith's valuation"?

Mr. Drummond.—I could not say at the present moment.

Mr. Ross.—Six years ago the whole thing was only valued at £55.

10701. Lord Justice Naish.—When was it raised?

Mr. Ross.—Six years ago the valuation was raised from £55 to £96 6s.; last year, £80 was taken off, so that now the entire valuation is £78.

Lord Justice Fitzgerald.—The figures I have given you were taken from the Architect's return of last year. I suppose the reduction was made afterwards.

10702. Lord Justice Naish.—Does the £78 include not only the land forming the school estate, but also the land that Mr. Moore owns, because he has purchased land lying about the school?

Mr. Ross.—It only includes the school land.

Mr. Drummond.—I know nothing about the revaluation, and I cannot enter into that point now.

Rev. Dr. Moore (Head Master, Cavan school).—The valuation of the land is £58. Six years ago it was raised to £98, and last year the Inspector on coming round said he thought it ridiculously high and reduced it to £80.

10703. Lord Justice Fitzgerald.—Do you know, Dr. Moore, whether the reduction of £20 was on the land or on the house—they are separately valued in the rate-book.

Rev. Dr. Moore.—I don't know. I took it for granted that it was off the house he took the £20. I might mention that the lands of the school were originally given to the incumbent of the school for the time being, in the same way as glebe lands are given to the clergy; and when my predecessor was appointed, in 1808, he was entitled to two years' income from the death of his predecessor, Dr. Cottingham, in 1804. The rent was then £200 a year, and well paid, and £1,500 was handed over to him which he placed to form the nucleus of a fund towards raising sufficient money to build a school, the former house having been burned in the year 1804; £400 a year was given to him for his income, and the remainder of the income was added to the £1,500 for the building fund, until 1813, when the Act was passed which established the late commission—until 1819, the remainder of the income after paying the masters, was supposed to be handed over towards the building fund, and to be quite sufficient. The building cost £3,000, it was finished in 1818, and it is in excellent repair at the present time. Up to 1813 the management of the lands was in the hands of the masters of the school, and with the assistance of a very able agent the income was raised to £1,100 a year, which was well paid. That was gradually reduced by the Commissioners down to something like £500, which has not been so well paid as was formerly the case when it was so much higher.

Mr. Ross.—Assuming your ruling is against me on my contention that these school buildings should, under the circumstances, be handed over to the Protestant body of the county Cavan, I would ask you not to leave the scheme as it stands; because it puts it in the power of the Catholic party to bid them up to a tremendous extent. They can force a sale. Of course you have ordered that the local boards shall take into account the special wants of the school body, but who is to compel them to carry out that direction?

There is no sanction to enforce that, and it would not be a wise or just thing to leave one party at the mercy of the other.

10704. Lord Justice Naish.—What would you propose?

Mr. Ross.—I would propose to give the right of prosecution to the party in possession, and I think the Commission would be the best body to arrange the terms.

10705. Rev. Dr. Molloy.—Does not the question amount to this, what would you give for it?

Lord Justice Naish.—What would you say if your body saw their way to sending in a tender?

Mr. Ross.—At what they think would be a fair thing to offer under the circumstances?

10706. Rev. Dr. Molloy.—At what you value yourselves?

Mr. Ross.—Yes, that would save any further difficulty.

10707. Lord Justice Fitzgerald.—Perhaps we may now facilitate some arrangement. We propose to ask Mr. Drummond to send in a statement of what his clients think these premises fairly worth per annum by way of rent to an ordinary occupying tenant—a tenant enjoying his own repairs—and if you like you may add what you think the fair selling value. On the other side we would ask Mr. Ross's clients to let us know what they estimate the thing as worth to them. We will not allow you to get into an action about it, but we will consider the matter very carefully and do our best to agree on some figure which seems reasonable, taking into account all the circumstances.

We will let you know this figure, and we would give Mr. Ross the option, if the others think it a fair figure, of taking the premises at that figure, inserting it in the scheme as the amount at which the property shall be handed over to the Protestant Board.

Mr. Ross.—Assuming that the figure is accepted, we would be entitled to credit for half.

10708. Lord Justice Fitzgerald.—Of course.

There is a provision in the scheme that you may take credit for your own share either as rent or capital.

Bishop of Kildare (Dr. Shaw).—Should we have to pay a bulk sum to them?

10709. Lord Justice Fitzgerald.—I don't think there would necessarily be any payment. It would be a matter of debt against the Protestant share of the endowment.

Bishop Shaw.—I may mention that there is as absolute necessity for our getting these buildings, otherwise the whole Protestant community will be without a school.

10710. Lord Justice Fitzgerald.—You had better not say too much about that, or the price may be raised on you.

Bishop Shaw.—No. It is admitted on all hands that the other side have quite ample buildings. I merely say, as the object of this Commission is to encourage intermediate education, that handing over these buildings at a moderate rate would be absolutely necessary. I represent not only the members of the Church of Ireland, but also of the Presbyterian and Methodist Churches in Cavan. I am authorized by them to appear here, and I speak in their interest. And as attention has been made to the want of pupils in Cavan, I do not at all despair of having, if we get these buildings, a first-rate intermediate school under fresh management and with fresh energy.

In other parts of my diocese there are some first-rate intermediate schools, and at Elphin, a place most callously to have success, a most successful intermediate school has been established. Under fresh management there it is a most remarkable school, and I don't despair that we shall have in Cavan, under new management, a very flourishing intermediate school, if terms are come to which will enable us to obtain these buildings.

10711. Rev. Dr. Molloy.—I would make one

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suggestion to your lordship with regard to the absolute necessity of your board getting those buildings— if some outside body would give say £4,000 for the buildings, whether one half of that purchase money, £2,000, would not be really more valuable to you if starting upon a new career than dealing over these very large buildings?

Bishop Skew.—I don't think it would. I think it would be better for us to get the premises just as they stood at a moderate figure, and to make the best of them.

10712. Lord Justice FRYGROVE.—What struck us in Enniskillen was that the buildings were so unwieldy as to make the cost of maintenance very considerable; that is not so, to the same extent, at Cavan.

Bishop Skew.—Not by any means. The Cavan buildings are capable of being readily used for the purpose to which they are applied.

10713. Lord Justice FRYGROVE.—With reference to your estimate, we think that we ought to take into account only the fair market value of these buildings. We ought not to take into account—just as it is not taken into account in fixing a fair rent—any special price that particular people might be ready to give because they wanted the place for educational purposes.

Mr. Drummond.—Dr. Rhona has properly reminded the Commission that the Protestant community, if these buildings were taken away, would start without school premises. It is to be borne in mind that the Catholic College was built at very large expense and there is a debt at the present time of between £8,000 and £9,000, so that they start upon practically equal terms; because the Catholics having made what I may call a desperate effort to build that college, are just in the position of parties who have taken large school buildings, intending to pay for them whenever they can.

10714. Lord Justice FRYGROVE.—We are quite aware of that, but we don't see how you can make more of what you are entitled to get out of the Cavan Royal School premises by saying that the buildings which you have are too expensive.

Mr. Drummond.—I have no doubt that when the price comes to be fixed it will be the fair market value. When the price is once fixed I am not aware of anything to prevent the arrangement being carried out in a fair and friendly spirit on both sides.

Mr. Drummond.—Yes, Dr. Molloy.

Mr. Rose.—I ask you not to fix the price on the basis of the market value, but to remember that it is a case of pre-emption by the tenant in occupation.

10715. Lord Justice FRYGROVE.—What do you mean by not fixing the price at the market value?

Mr. Rose.—There are two values—a competitive value is what it would bring if the parties competed against one another.

10716. Lord Justice FRYGROVE.—The competitive value in this case, as I understand the evidence, would only be higher than the ordinary market value if the price was run up against you, on account of your urgent need of the buildings, beyond what anyone else would give—we don't think it would be fair to ask you to pay that value. We have seen the place and if you called an auction to-morrow I believe you would not get the same money from an ordinary purchaser which the Protestant Board would be prepared to give for their own purposes.

Mr. Rose.—That is quite so.

10717. Lord Justice FRYGROVE.—Then it is the smaller of the two figures which I suggested Mr. Drummond should estimate it at. He ought only to estimate the value at what, if the premises were taken by Mr. Moore to-morrow, and they were put up for sale in the open market, they would fetch with ordinary bidders.

Mr. Drummond.—That is the only way they will be estimated. The Catholics are very well provided with buildings, all they want is the money to pay for them.

Mr. Rose.—They have a very large college for which they paid £36,000, and there is only a small portion of debt.

10718. Lord Justice FRYGROVE.—They had a landed estate like the Cavan Royal School Estate, and they sold it to pay part of the debt.

Mr. Rose.—I would ask you to capitalise the value of the school and to allow us to pay interest on it at the rate of two three-quarter per cent.

10719. Lord Justice FRYGROVE.—That is a highly financial way of dealing with the matter. I don't understand how these new systems of purchase could be applied where we have no public fund to be advanced.

Mr. Drummond.—It would take Mr. Goschen to understand that.

Lord Justice FRYGROVE.—I don't see how that would work.

10719A. Lord Justice NASEM.—What interest are you paying on your debt, Mr. Drummond?

Mr. Drummond.—Four per cent.

Mr. Rose.—That of course is not the way to look at it. Suppose the money were paid down now—what would it bring—I think it would be perfectly fair to charge us no more.

Mr. Drummond.—If you would allow us to discuss the position of that £6,000 which has to be dealt with it would save the necessity of going back to that question again.

10720. Lord Justice NASEM.—You are both agreed upon that?

Mr. Rose.—Yes, we are both agreed upon this.

Mr. Drummond.—I ask you to treat that £6,000 as part of the Cavan Endowment, and to deal with it as you have dealt with the other part of the property. In the first place, Cavan, probably from an educational point of view, is in the most backward condition of any of the counties. Look at the condition of the Cavan Estate. The object of the scheme is to establish two good schools, one for the Catholics and one for the Protestants. The income of the estate is somewhere about £270, you take fifty per cent. of that, and divide it into two—that is the minimum grant, and the amount will be so small as to be practically useless. It won't pay the rent of the premises, or even the salary of an assistant master, much less that of a superior master—it would be practically of no avail at all either to Protestants or Catholics. Therefore I say the whole sum of about £270 a year, about £130 or £135 per each party, would be as small a sum as could be of use to them.

10721. Lord Justice FRYGROVE.—I don't know whether you understand that under the scheme the land and buildings are treated as part of the minimum.

Mr. Drummond.—We don't know what the buildings would bring. I think the estimated income of the estate was £374 net, and the valuation of the school premises is only £78. You propose to give each board 25 per cent. of the net rents plus 50 per cent. of whatever would come out of the school endowment. The whole thing would be of no substantial advantage to either side, for it would never, in any material sense, contribute either to the establishment or the maintenance of a school of the character contemplated by this scheme. I submit that the whole estate, including the school, should be devoted to the purpose. Then look at the £3,000. Estimating it at 3 per cent.—you would have £180 a year as interest. The Protestants have not even school premises. For these premises in the open market and they will require more than the minimum. That is shadowed forth by this scheme to enable them to buy them. The others with a school of their own are really

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in the same position. But in each of these counties the endowment is looked upon as *prima facie* the property of the locality and only a portion is proposed to be given over to the general fund. I ask you to deal with the £5,000 as being in reality and legally part and parcel of the Cavan endowment just as much as if it was a part of the endowment, just as if the Cavan school had been properly conducted, and every penny of that £5,000 which should have been spent upon it had been spent upon it. It was intended for the benefit of the people of Cavan, but they were deprived of it owing to the peculiar management of the school—with respect to which I shall say nothing more. Under section 13 of the Act of 1883 I submit that, within the spirit and meaning of that Act, this ought not to be taken away from the use of the people of Cavan.

10729. Lord Justice FRYGEMAN.—You are aware that under the Act of George IV., all the residue remaining after providing for the payment of the masters and the maintenance of the school was put absolutely in the power of the Commissioners to be applied to other schools, and in this case we must take it that the Commissioners fulfilled their duty as far as they could in that respect, and accordingly, this is a free fund.

Lord Justice FRYGEMAN.—This is only a residue—they have spent a good deal of money from the Cavan Estate on Rathfriland and Broughshill.

Mr. DRUMMOND.—I admit that that was in the power of the Commissioners, but the true meaning, spirit, and intention of the Act is that the people of the locality should not be ignored; quite otherwise, they are to be taken largely into consideration when you are dealing with the endowment.

10730. Lord Justice FRYGEMAN.—We are giving you something in return by allowing the Cavan Schools to compete for the general fund.

Mr. DRUMMOND.—We would be willing to forego that right if we got the fund.

10731. Lord Justice FRYGEMAN.—Even if we gave you, as we have given in Rathfriland, the whole income of the landed property, if the £5,000 is used for the general purposes of competition the argument would not apply that was pressed so much against you—that you ought not to be allowed to compete for the general fund as not being contributors to it.

Mr. DRUMMOND.—At the present time I am satisfied that it would be for their advantage, if the Commissioners would give the Cavan people the £5,000 as part of their estate, to forego any competition with the other schools. They are in a very backward condition, and I believe if they started in competition with other schools they would get nothing for a great many years, because the advantages that other towns like Rathfriland, Broughshill, and Monaghan have, are very great.

10732. Rev. Dr. MURPHY.—The provision with regard to the competition for the surplus is not introduced for the purpose of giving any special advantage to any locality, but for the purpose of promoting the general interests of education throughout the whole five areas, by giving all a stimulus to work hard, and giving the greater part of the endowment where the greater educational work is done.

Mr. DRUMMOND.—Certainly; but this scheme, to say the least of it, modifies the privileges and advantages of a particular class in this particular area.

10733. Lord Justice FRYGEMAN.—How does it? If this scheme had not passed, and things went on exactly as they are now, if a new head master was appointed in Cavan, and the school became a large one, what claim would Cavan have over any other district on the £5,000 when once that money is accumulated in the hands of the Commissioners as surplus income?

Mr. DRUMMOND.—We could not legally claim it

when it went into the general fund; but you are going, in the words of section 13, to “modify” this so as finally to interfere with the property of this particular locality.

10734. Lord Justice FRYGEMAN.—A good deal of it has not really been accumulated at all, but is merely entered in a book, because £1,000 of a debt against Rathfriland and over £1,000 of a debt against Rathfriland have been in fact paid away out of the surplus in credit of Cavan and Rathfriland.

Mr. DRUMMOND.—But the entry represents money, and I ask you in making this final settlement of the endowments to treat that fund as part and parcel of the Cavan endowment, and in view of the present requirements of the Protestants and Catholics, and the needs of those two schools—their necessities and want of money—I ask you to give them the whole of that sum as it would be little enough to enable them, in the first three years at all events, to support these two schools in effective order. If you give us the whole of that sum we will consent to be excluded from the competition with the schools of the other counties afterwards.

10735. Lord Justice FRYGEMAN.—You are willing if you are given a couple of thousand pounds towards your debt to give the Protestants a couple of thousand pounds to enable them to acquire these Royal School buildings?

Mr. DRUMMOND.—We are quite prepared to do that, and although we shall not be competing with other schools in Ulster, still Dr. Stokes and Dr. McGeach will do the best they can to promote education, but unless they get funds they cannot start two such expensive schools as are contemplated by this scheme is a comparatively poor county like Cavan.

Mr. RICE.—I support Mr. Drummond's argument, and it is far more important than anything else I have to put before you. These I represent believe that if this £5,000 be taken from them it will be almost hopeless in their present circumstances, and with the worst estate, perhaps of all, to recreate intermediate education in Cavan. You are aware of the circumstances of both parties; the Catholic party are very much in debt, and in trying to set up an intermediate school, we will have to purchase these school premises to begin with. We propose that such district should stand on its own legs as regards liabilities. We propose out of this fund to pay off the head master and the other master who is entitled to compensation. That will considerably diminish the £5,000. Let me call attention to the way in which this fund has accumulated. In 1830 there was a debt of £9; in 1850 there was a credit of £2,000; in 1870 the credit was £1,153, in 1880 £2,200, and in 1888 it is £5,300, with £1,031 in cash beside. This is really money to which the people of Cavan are entitled for the purpose of intermediate education. It has been practically saved out of their pockets. There could not be people who want the money more than we do, and we are not in a condition to make presents to the other schools. If it is taken away it is very hard to see how we can set this scheme upon its legs, or how, in the present position of affairs, we can set our schools going. I would strongly press upon you that this money should be left to us when we require it so very badly.

10736. Lord Justice FRYGEMAN.—We should like to know the views of the Commissioners and of the other parties on this matter. They are all interested.

Rev. Dr. MURPHY.—I should like to make an observation about the Rathfriland debt in connection with this question. Some years ago, when the Rathfriland school was considerably in debt, I asked the Commissioners if any of the surplus money of the other schools could be applied towards clearing off that debt, and the reply made was “certainly not,” that as long as any Royal scholarships were running in Rathfriland they

could not apply one penny of the other schools' funds to clear off our debt.

10730. Lord Justice FRANKLIN.—They could not clear off the debt; it stands against you still, but the money of the Cavan, Dungannon, and Fernagh schools is gone, but they have got as security these debts against Arragh and Raphoe.

Mr. Roche, Q.C.—This proposal of Mr. Drummond and Mr. Rose would meet seriously affect Arragh, and it sets right into the entire scheme, which rests upon the practice by which in times past the Commissioners who had the management of these endowments have applied them to one school or another as circumstances required.

10731. Lord Justice FRANKLIN.—They had legal power to do so by the Act of George IV.

Mr. Roche, Q.C.—You have given that a definite form in this scheme by throwing all the surplus funds together to make up the compensation fund, and my learned friends now want to cut out the Cavan endowment entirely from the scheme.

Lord Justice FRANKLIN.—If their proposal was accepted to their liability for vested interests would fall upon the income of the other schools.

10732. Lord Justice FRANKLIN.—It is hard upon Cavan, because they have an apparent credit of £5,000, and they also happen to have the oldest and consequently least valuable life interest in their school, but the question really is whether this is their money or whether under the provisions of the Act it is not now a common fund?

Mr. Roche, Q.C.—Under the old Act the Commissioners had power undoubtedly to make it a common fund, and to use it for the purposes of any of the Royal Schools for which you are now legislating. The scheme only gives effect to that power.

Mr. Carter, Q.C.—I also protest against the arrangement which has been suggested by Mr. Drummond and Mr. Rose, unless each district is made self-supporting. They ask you to give the entire of the Cavan endowment to Cavan, and the entire of the Dromagall endowment to Dromagall. But it seems to be a great injustice to give the entire of these endowments to Cavan and Dromagall, and to throw the responsibility of providing for the vested interests of the whole five districts upon the other three.

Mr. Drummond.—Let me call attention to the Act 3rd Geo. IV., chap. 29, section 8. And, to put an extreme case, suppose the head master of Cavan School had turned round on the Commissioners and said, "I will not conduct the school at all, I will have no expense incurred, I will pay no assistant masters," and in that way he let the whole income accumulate for two or three years, that could not be a residue within the meaning of the Act of Parliament. Though the Cavan School has been theoretically carried on for many years, it has not been properly carried on, and I submit that the money was not a residue within the meaning of the Act of Parliament, having been accumulated while the school was practically shut up.

10733. Lord Justice FRANKLIN.—We will consider the matter. Dungannon is the next case.

Archbishop LOGAN.—I don't think there is any representative of Dungannon here, but I have an interest in that district. And I understand there has been no unanimous agreement between the parties concerned—Protestant and Catholics—that the school buildings are quite sufficient for the purposes of two schools; and I believe the principle can be carried out in relation to these buildings of devoting them to educational purposes.

10734. Lord Justice FRANKLIN.—We have had inquiries whether the Dungannon premises are likely to go into the market from a public department, and, therefore, in this case there is an intending purchaser. I think we had better ascertain whether any definite offer can be obtained, and let the local boards consider

whether they would prefer to take the money or the buildings between them for educational purposes.

Archbishop LOGAN.—In Dungannon the Protestants and the Catholics could each have a good day school, and they might also have a boarding school. I think it is a great pity to deprive a large town like Dungannon and the country round about it of the advantages of good schools.

10735. Professor DOUGHERTY.—Does not St. Patrick's Diocesan College, Arragh, provide intermediate education for the Catholics of Dungannon?

Archbishop LOGAN.—There is a private school at present in Dungannon which is a feeder for the Arragh School.

10736. Lord Justice FRANKLIN.—If the interests of education are really concerned, and if the Catholics and Protestants can agree to utilize the buildings for educational purposes, I apprehend we would not put them into the market, but before they make up their minds, we should try to let them know what money may be got for them, as, of course, the price would be available for the purpose of providing other and possibly more convenient buildings.

Mr. Shaw.—The General Assembly think it would serve educational purposes in Dungannon much better if the buildings were sold for a good price, and the money given to the local Boards, because they consider the present buildings quite too large and expensive for the purposes of any school likely to be maintained there under the present system.

10737. Lord Justice FRANKLIN.—Dungannon competes as a boarding school with Arragh. What is your view Father McNAMES?

Father McNAMES.—I am sorry to differ with his Grace. I want them sold. Cavan has given a guarantee already by starting and supporting two intermediate schools.

Archbishop LOGAN.—May I ask you what they are, because you are continually telling us that you have two schools.

Father McNAMES.—One is the Christian Brothers' school which has sent in twenty pupils to the intermediate examinations for a number of years, and the other is the convent school, which has also sent in twenty-one pupils, from the first year, with the exception of one, since the Intermediate System was established. Besides Omagh is the central town of the county, and the county town, and has advantages which Dungannon never can have. Formerly Dungannon was the county town, and for the convenience of the whole county it was changed to Omagh. Besides Dungannon is within ten miles of Arragh, and in order to distribute these schools where they are required, I say the proper thing would be to sell the Dungannon buildings to the best advantage, and then to consider the question on its merits, where the schools should be. As his Grace has challenged me, the record for the convent school for 1887 is—in the junior grade, ten passes, one prize and three exhibitions; in the middle grade two prizes, and in the senior grade one exhibition.

Archbishop LOGAN.—Within the rules laid down by the Commissioners, how can the Catholic local board allocate this endowment to the Christian Brothers' school, which is a primary school? That is why I asked Father McNAMES to name the schools, and he does not show that they have an intermediate school at Omagh, except for girls.

10738. Lord Justice FRANKLIN.—It would be for the local boards to determine how they would allocate the endowment among any qualified schools. They want, as I understand, to get these premises for purposes of education under the scheme. If both sides have agreed on that, it is an encouraging proof that the provisions of the scheme enabling such agreements to be come to were not so hopeless as we were told they were, and we will facilitate them in every way. Between this and September 15, we shall be prepared to receive a definite consent of the proposed division, and

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if the local people agree to terms or ask us to settle the terms, the buildings at Dungannon may be disposed of, as we hope to settle those at Cavan. Meanwhile we will communicate with those who have asked about buying them, and if we can get an offer we will let the local board know what it is. It is curious that there is no one here from Dungannon.

**Archbishop Logue.**—Because they were both satisfied with the scheme. As a matter of sentiment, I should be sorry to see the buildings given to any other purpose than that of a school, even if the Protestants had it, because it is a beautiful site.

**Rev. Dr. Molloy.**—That is also our opinion.

**10739. Lord Justice FitzGibbon.**—And we are perfectly prepared to not upon sentiment, if the money matters are settled.

**Archbishop Logue.**—I understood they could divide the buildings, so that they could with the greatest ease have two schools—the Protestant body one, and the Catholic body one, without the least friction whatever. Dean Byrne told me that they were discussing the matter amicably, and that it is the feeling of both parties in the district that that would be the best thing.

**10740. Lord Justice FitzGibbon.**—When we were at Dungannon, Dean Byrne told me he thought he could make an amicable arrangement, and the others gave evidence to the same effect.

**Archbishop Logue.**—Rather showing that the joint estates committee might have come to an agreement after all.

**Father McNamara.**—It is gratifying to find that political and religious differences are forgotten when they are settling a happy family arrangement.

**10741. Lord Justice FitzGibbon.**—But you can't carry the school to Omagh.

**Father McNamara.**—I only want to get proper value for the premises.

**10742. Lord Justice FitzGibbon.**—We will now take the case of Enniskillen. These premises consist of fifty-four acres statute measure of land valued at £95, and buildings valued at £188.

**Mr. Atkinson, Q.C.**—I submit that, according to law and justice, these buildings and as much land as is necessary for the proper management of the schools should be handed over to the Protestant Board free. I do not contend that the word "endowment" in the Act of 1885 is not sufficiently large to cover lands and buildings, in my opinion the lands and buildings do fall within the technical definition of the word "endowment" contained in the Act of 1885. But I submit that the whole of the provisions of this scheme are—when you consider the patents and statutes—entirely *ultra vires*. Because out of the minimum grant given to this school, which is only sufficient in itself to give substantial aid to one existing school, the value of these buildings is to be deducted. As I understand it, if we take over these buildings—say at a valuation of £100 a year—that £100 would be deducted from the minimum grant.

**10743. Lord Justice FitzGibbon.**—No, not deducted: it is given to you in kind.

**Mr. Atkinson, Q.C.**—Probably, when the vested interests are compensated for, there will not remain more than £1,000 as the entire available amount of the Fermagh endowment. The minimum grant for the Protestant Board will be, therefore, £350 a year—that is one-fourth. I am told that the object of the minimum grant is "to give an annual sum sufficient to afford substantial aid towards the maintenance of at least one school." How by any ingenuity it could carry out that purpose when in some places it won't be more than £35 or £50 a year, it is not for me to say. I am only dealing with Enniskillen, and I say that there it cannot be more than £300 a year. If we take these premises, say at £100 a year, that £100 a year is deducted from the minimum grant, or at least is charged against the minimum grant.

**10744. Lord Justice FitzGibbon.**—But is it first

added to it. You are leaving that out of your calculation.

**Mr. Atkinson, Q.C.**—Assuming we take it at £100: Lord Justice FitzGibbon.—Take it at any way. The minimum grant in Enniskillen is 40 per cent.—30 per cent. for each local board—and the value of the land and buildings besides.

**Mr. Atkinson, Q.C.**—Supposing the available surplus outside the buildings is £1,000 a year, and supposing we take the buildings at £100. Of that £1,000 we get £250. We have valued against that £250, the £100 appertaining to the buildings—that is, we have the school premises and £150 a year.

**10745. Lord Justice FitzGibbon.**—Not at all—you get £300 a year and the buildings free—and the Catholics get £100.

**Mr. Atkinson.**—I say that is starving out the Royal School, and I say that the imperative trust attached to this endowment which you have no power to annul, was that these schools should be adequately maintained in their respective places. That was the policy down to the passing of the Act of 1885. I now call attention to sections 8 and 13, with a view to show that although you have power to subdivide and to deal with these endowments, you have no power to defeat the operation of those trusts which were in force down to the period at which the Act of 1885 passed.

**10747. Lord Justice FitzGibbon.**—Certainly the maintenance of the school is the object, but your argument was that we are attacking the Porters school buildings.

**Mr. Atkinson, Q.C.**—Yes.

**10748. Lord Justice FitzGibbon.**—But we want the Porters buildings are. Is it not a question whether any body desiring to maintain an efficient school in Enniskillen now would dream of undertaking to keep up that enormous place for the purpose.

**Mr. Atkinson, Q.C.**—I say that the object of the Act was to maintain a local school in that particular place.

**10749. Lord Justice FitzGibbon.**—No, the object was to maintain one free school in each county, and there was a power of transferring it from one place to another in the same county or diocese.

**Mr. Atkinson, Q.C.**—There was a power of transfer, but not of transferring it from time to time, and I am dealing with it as it was when your Act passed. I say that there was then an imperative trust that these respective schools were to be maintained where situated under the endowment.

**10750. Lord Justice Naunton.**—Is it not plain that, if we thought it a better arrangement we could transfer them to another place?

**Mr. Atkinson, Q.C.**—I think not.

**10751. Lord Justice Naunton.**—If it was intended that the existing schools should be kept up in the existing places, the intention would have been stated.

**Mr. Atkinson, Q.C.**—I say it is plain that the object was to maintain these schools in efficient working order in the respective localities in which they then stood.

**10752. Lord Justice Naunton.**—That Act of George III. did not contemplate more than one school in each district. The only residue that could be transferred was a residue after the primary object had been fulfilled in each district, and that residue was divisible only amongst the five named schools then and there existing in those particular localities, and I ask you to find in the Act of 1885 anything to contravene the definite words that define the object of the founders as interpreted by the original Acts.

**Mr. Atkinson, Q.C.**—I submit there are no words in the Act of 1885 enabling this Commission to override the intentions expressed in the earlier charters as interpreted in the statutes. I don't mean to say that we need all the land, but only such land as is necessary for the due and adequate maintenance of the Porters school.

The first charter showed that certain lands were assigned in the plantation of Ulster for the maintenance of grammar schools in that province, and should be conveyed to the Archbishop and distributed to the several schools as he thought fit. The letter of Charles I. says in effect that that has been done and that certain free schools had been established at Mountmorris in Armagh, at Mountjoy in Tyrone, at Donagall, at Linsgoole (now called Portora), and in the town of Cavan. The schools established at Mountmorris, Mountjoy, and Donagall were afterwards annexed to Armagh, Dungannon, and Raphoe, and the schools so established have been maintained out of this grant, and are still in operation as grammar schools, and are known as the Royal Schools of Armagh, Dungannon, Enniskillen, Cavan, and Raphoe, respectively. Then comes the Act of George III., which created the Commissioners of Education, and provided in section 2 that the several lands granted for the use of the masters of the Royal Schools of Armagh, Dungannon, Enniskillen, Raphoe, Cavan, Banagher, and Carrisfort, should be vested in the Commissioners for ever, and that the rents and profits should from time to time be applied by the Commissioners as by the Act directed, and it was by (sec. 12) further enacted that it should be lawful for the said Commissioners from time to time to invest any money belonging to any of the schools, and that such proportion as they should think proper of all funds or estates applicable to the support of such school should be applied for the use and benefit of the schoolmaster thereof for the time being, and such other proportion as they should think proper should be applied for the use and benefit of such under master or masters as the Commissioners should think necessary for such school; and after payment of those salaries to apply such sums as should be deemed necessary in or towards purchasing, building, enlarging, repairing, or furnishing the school-house with grounds, apparatuses, and other necessary or useful accommodations. There you see the dedication of the fund; then the statute was to be employed in creating exhibitions in Trinity College. Now the Act of George IV., chap. 73, section 8, provided that whenever any moneys should remain of the funds of any of the Royal Schools of Armagh, Dungannon, Enniskillen, Raphoe, Cavan, Banagher, and Carrisfort, after defraying the expenses of the master and of the under master or masters, and of all enlargements and improvements of the school-house, grounds, and furniture, it should be lawful for the Commissioners to cause such moneys to be applied to the like maintenance and improvement of any other or others of the said schools whose funds might stand in need of such aid. The schools are the Armagh school, the Dungannon school, the Enniskillen school, the Cavan school, and the Raphoe school, and I say that the intended trust and the object of these Acts were that all the funds should be applied to maintaining these respective schools in complete working order, and that the residue was not for general purposes at all, but the only schools mentioned are the seven. I therefore say, that although these provisions enabled a poor school to get a grant in aid from a rich school where necessary, it by no means enabled the residue to be otherwise disposed of, and looking at these statutes together with these enactments it shows conclusively that the object was that these respective schools, having got a local habitation as well as a name, were to be the primary objects to which all the funds were to be applied and that they were to be maintained in good and efficient condition.

10753. Lord Justice FitzGibbon.—Then do you contend that we must apply the whole of the endowment of the Enniskillen estate to maintain the Portora school on its present site?

Mr. Atkinson, q.c.—Not the whole of it, but so much of it as is necessary to maintain the Portora school in a good and efficient condition.

10754. Lord Justice FitzGibbon.—Then the ques-

tion at once arises, can that be done? Portora, on a matter of fact, is a great big building with accommodation for 100 boarders and for as many more day boys. The present actual number of pupils is thirty-five day boys and no boarders—one or any means of receiving boarders—it is an empty house. Do you contend that we are bound to spend whatever money is necessary to maintain that fabric?

Mr. Atkinson, q.c.—I do.

10755. Lord Justice FitzGibbon.—Then you use the word "school" not in the sense of a place where people are taught, but in the sense of a big building?

Mr. Atkinson, q.c.—Nothing can be more fallacious or unjust than to say that the personal neglect and mismanagement of a particular master for a number of years is to enable the Commission to defend the operation of this grant, and to say that if this school for some years is not teaching at all there fore it has ceased to be a school. Supposing the present master had shut up the place altogether for four or five years, surely that would not enable you to forget its past history nor the object with which it was endowed? If so it would be competent for any master to deprive the school of all endowment. Enniskillen was quite full at one time. This fine school building was never dedicated to any other purpose; it has a historical reputation as a school, and to say, merely because for a few years no teaching has been given to boarders it has ceased to be a school, would be a very severe construction.

10756. Rev. Dr. Molloy.—You must remember that, at the time it was full, it was full of the very class of pupils to whom you so strongly objected yesterday—the pupils whose you called recruits and foreigners. It was never filled by natives of Enniskillen.

Mr. Atkinson, q.c.—I don't object to them.

10757. Lord Justice FitzGibbon.—You objected to the application of the endowment to teach them.

Mr. Atkinson, q.c.—No, but to their being called to aid in the fixing of the endowment.

Lord Justice FitzGibbon.—If you object to their being taken into account in fixing the division of the endowment you object to the endowment being treated as intended for them. You ask that these vast buildings should be kept up at the expense of the endowment, and yet you do not say that it is possible to fill them with Enniskillen boys?

10758. Rev. Dr. Molloy.—It should be observed that there is now as large a number of day boys as ever there was, and this seems really to be about the number of Protestants who want education in that locality.

Mr. Atkinson, q.c.—Be the school good or bad the number of day boys must be more or less constant, because the day boys cannot come from a distance.

10759. Lord Justice FitzGibbon.—I can understand your argument so far as you apply it to the maintenance of sufficient buildings for the day boys of the locality, but it seems to branch off altogether when you say we are to use this endowment to maintain these existing buildings of Portora, because about thirty-five day boys are as many as appear likely to attend, and the fifty-four acres of land and buildings, sufficient for 200 pupils, are what we have to deal with.

Rev. Dr. Molloy.—Your argument just proves that we are bound to give you as much of the endowment as will enable you to maintain a school for thirty-five day boys.

Mr. Atkinson, q.c.—If the Act of Parliament said that the endowments were to be divided in proportion to the number of day boys, that might be so; but it says nothing of the kind, and the school must draw its boarders from two classes—from those residing in the district beyond a radius of four miles, and if that fail to supply it, it may draw its boarders from else-

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where, I do not at all despair—that a very large number of boarders will be drawn from the district outside the day boys' area. Indeed with proper management and small fees it is quite possible they may have as large a number of boarders from that district as they ever had. The only statute interfering with the movement of 14 & 15 Charles II, is the statute authorizing the transfer of the schools from one place to another within the diocese. That does not help the matter. It might be desirable to change the school, but that was not done, and when the subsequent statutes were passed they recognized the existing institution in the place in which it was carrying on its work. Now I call attention to the second and thirteenth sections of the Act of 1885. But for the passing of this Act the Educational Commissioners under the Acts of George III, and of George IV, were bound to maintain these schools in the localities in which they found them, out of the funds properly applicable to them; and if they were more than sufficient in the case of any particular school then and then alone could they dispose of the residue for the benefit of the other schools. The sixth and thirteenth clauses of the Act of 1885 must be taken together. The sixth section gives power to prepare schemes for the future management of endowments, which schemes may provide for altering the conditions and provisions of such endowments, changing investments, selling the properties, amalgamating, combining, or dividing the endowments, or, in the case of endowments applicable for intermediate education, transferring them to the Intermediate Education Board, to be applied by them for the purposes of the Intermediate Education (Ireland) Act, 1878, or (in the case of endowments applicable for elementary education), placing the schools under the inspection of the Commissioners of National Education, and there it stops.

10760. Lord Justice FRYGROUSE.—It does not stop there, it goes on to provide for consolidating or dividing the schools, or removing them to different localities, or authorizing the governing bodies of boarding schools to discontinue their boarding departments, or readjusting, extending, or abolishing existing schemes of institutions or scholarships, and so on.

Mr. Atkinson, Q.C.—That is, I submit, not dealing with Royal schools, but with endowments applicable for elementary education.

10761. Lord Justice FRYGROUSE.—I do not think so; those powers are general. The very terms show that they apply to intermediate schools.

Mr. Atkinson, Q.C.—You might say that Portora school should be moved to another place, and still be endowed with all the endowments, but can it be contended for a moment that this statute enables you to say that Portora shall cease to exist, and that the endowments shall be transferred to Monaghan?

10762. Lord Justice FRYGROUSE.—Want do you say to the words "authorizing the governing bodies of boarding schools to discontinue the boarding department?"

Mr. Atkinson, Q.C.—That must be construed, not by itself but subject to section 13. If that contention be carried, it might be provided by the scheme that all the Fermanagh endowments should be removed to Cavan.

10763. Lord Justice FRYGROUSE.—Has your attention been called to the fact that the Commissioners of Education proposed such a removal in their scheme?

Mr. Atkinson, Q.C.—I am aware of that.

10764. Professor DOUGHERTY.—I suppose you do not contend, Mr. Atkinson, that the maintenance of a large boarding establishment in such a vast building as Portora is essential to the continuance of an efficient day school in Fermanagh?

Mr. Atkinson, Q.C.—Yes, I say it is permanent—the intention of maintaining a good Protestant school

in Fermanagh, whether in Portora or in any locality to which it is changed.

10765. Rev. Dr. MOTTEN.—I think it need to be held that Portora was open to all denominations. Then how do you say that the permanent intention was to maintain a good Protestant school?

Mr. Atkinson, Q.C.—A school governed by Protestants—under the management of Protestants, although open to Roman Catholic pupils, I didn't suppose it could be contended that a school established as a supplement to the plantation of James I., was ever intended to be governed by Roman Catholics.

10766. Rev. Dr. MOTTEN.—In point of fact there is a Roman Catholic master in one of the Royal Schools.

Mr. Atkinson, Q.C.—That might leave the Commissioners open to a charge of something like malversation of funds.

10767. Rev. Dr. MOTTEN.—It was the Lord Lieutenant who made the appointment.

Mr. Atkinson, Q.C.—I don't argue that it is an exclusively Protestant endowment, but I do not think it could be contended that schools in Ulster, planned by James I., were intended to be schools under Roman Catholic management. The 13th section of the Act of 1885 provides that—"In framing schemes it shall be the duty of the Commissioners to have regard to the spirit of founders' intentions, and in every scheme which abolishes or modifies any privilege or educational advantage to which a particular class of persons is entitled, to have regard to the educational interests of such class." It may be that according to the terms of section 6 you have power to abolish or transfer a school, but those powers are subject to the subsequent provisions of section 13, and you must have regard to the educational advantages of the particular class.

10768. Lord Justice FRYGROUSE.—I distinctly consider myself bound by section 13, but who are the particular class? Are they not the class who require intermediate education belonging to this Fermanagh diocese or district. They are of different denominations, and our first duty is to secure to them a higher class grammar school education under this endowment. It appears to me that if you are able to show that the utilization of this big building at Portora is the best way of securing these educational advantages for even the Protestants of this place, it will be our duty to use them for that purpose, but that is totally different from telling us that the first charge on this endowment is to maintain one hundred empty beds.

Mr. Atkinson, Q.C.—That is working back again to the same thing, because Mr. Steele is infinitely fast upon this endowment.

10769. Lord Justice FRYGROUSE.—Parlan me, it is going back to your argument that the boarding establishment for 100 pupils is the best object of this endowment, and I say that that is dead against your argument of yesterday.

Mr. Atkinson, Q.C.—I say the first purpose is to have a good school in Fermanagh.

10770. Lord Justice FRYGROUSE.—And in that we are quite agreed.

Mr. Atkinson, Q.C.—In or about the locality in which it was situated.

10771. Lord Justice FRYGROUSE.—If there was a good Roman Catholic Grammar School at Enniskillen we would try, as we are doing in Cavan, to start both denominations on equal terms there, but in this case the nearest Roman Catholic school is at Monaghan, and we propose that they should apply their share to maintain it, and that you should be enabled to use your share at Enniskillen. I agree that you make a strong case for seeking to maintain a good school at Portora, but we are now on the question of how best to utilize these big buildings.

Mr. Atkinson, Q.C.—You are so delicate as the "minimum," as I understand it, the least sum necessary to carry out the object.

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10772. *Rev. Dr. Motter.*—We propose to give you, with the minimum, half the value of the buildings.

*Mr. Atkinson, q.c.*—You propose to value against us the fabric.

10773. *Lord Justice FitzGibbon.*—Speaking roughly, the minimum for each based on cash in *Bunhill* would be £150, and over and above that half the value of these buildings probably another £50. We don't value the fabric against you, but if you prefer it at £50 you can have it.

*Mr. Atkinson, q.c.*—Yes, but it must be a minimum for the College now existing—it must be a minimum for both boards, and the minimum for any purpose means the least sum that the Protestant Board can apply to carry the existing *Portora* School with success.

10774. *Rev. Dr. Motter.*—That is not the meaning—it means the least sum that you are to get out of the endowment; and we believe it is a sum which will give substantial aid towards the maintenance of at least one school.

*Mr. Atkinson, q.c.*—That is £250.

*Rev. Dr. Motter.*—We consider it is a sum sufficient to give you substantial aid towards maintaining one school.

10775. *Lord Justice FitzGibbon.*—As it seems to me you are endeavouring to increase the minimum sum that will give substantial aid to a school in *Bunhill*, by assuming that the school that is to be maintained in this enormous building, *Mr. Ovenson* states that *Dr. Steele* told him it would take £300 a year to keep the house in proper repair; and reckons "that the repairs would be no much almost as the value of the house." You say that to keep up *Portora* is excessively expensive, therefore the minimum is too small, because your first proposition is that we must give you as much money as will keep up this place.

*Mr. Atkinson, q.c.*—I don't say that. I say if you put valuation on these premises, and deduct the value of the minimum, you give us no money grant at all.

10776. *Lord Justice FitzGibbon.*—The fallacy of your argument will appear, if we suppose some one offered to buy *Portora* for £10,000. For £5,000, year there of the price, you could build a useful well equipped school, and then you would at once have a substantial endowment, because you would have a school of proper size, and your minimum of cash besides; but you want to claim more cash, because you claim buildings which it will cost you £200 a year to keep up.

*Rev. Dr. Motter.*—What do you want the buildings for?

*Mr. Atkinson, q.c.*—To keep a school in them of course.

10777. *Rev. Dr. Motter.*—Do you regard these buildings as necessary for the purpose?

*Mr. Atkinson, q.c.*—Yes, certainly. How else could we get buildings.

10778. *Lord Justice FitzGibbon.*—And the whole of them?

*Mr. Atkinson, q.c.*—There is a difficulty about the whole of them.

10779. *Rev. Dr. Motter.*—Supposing we gave you the buildings free—that would meet your necessity?

*Mr. Atkinson, q.c.*—I think so.

10780. *Rev. Dr. Motter.*—What do you say to this proposal—to give you the buildings free and to give the Catholic board the thirty acres of land adjoining.

*Mr. Atkinson, q.c.*—That would be ridiculous having a school without any land.

10781. *Rev. Dr. Motter.*—If you got the buildings with a garden for the head master, and a playground for the boys, you would have a full equipment for a school.

*Mr. Atkinson, q.c.*—That is all I ask.

*Mr. Carton, q.c.*—So far as the Catholic board are concerned I am quite prepared to accept<sup>a</sup> that—I don't want the buildings.

*Mr. Atkinson, q.c.*—I know nothing about the land, those who instructed me have not considered that.

10782. *Lord Justice FitzGibbon.*—It is very important that you should do so. There are fifty-four acres of land, and the largest quantity belonging to any other school is eighteen acres in *Arragh*. There are only ten at *Danganooon*.

*Mr. Atkinson, q.c.*—I don't think the thing can be settled on the quantity of the land. You must, I submit, consider the particular condition of the school. I don't know whether or not it would be necessary that they should keep the whole of the land in order not to interfere with the institution as a suitable one for a school, or whether the whole of the land would not be required. Of course I can understand the liberality with which *Mr. Carton* says he does not want the buildings, when he has got buildings already.

*Mr. Carton, q.c.*—I was prepared to give you the buildings if you give me the land.

10783. *Rev. Dr. Motter.*—What you want is to get the buildings, with a reasonable amount of land for a garden for the head master, and a play ground for the boys?

*Mr. Atkinson, q.c.*—Certainly—I presume so.

10784. *Rev. Dr. Motter.*—If you get that you will get all you want?

*Mr. Atkinson, q.c.*—Yes.

10785. *Lord Justice FitzGibbon.*—And you will have a magnificent specimen of a white elephant.

*Mr. Atkinson, q.c.*—I don't know how the lands are situated, and I can only put it in a general way and say that we want as much land as having regard to the position of the building will be suitable and adequate, to maintain it as a school both for day boys and boarders.

10786. *Lord Justice FitzGibbon.*—I can only say that, however strong my own personal opinion may be upon having looked at the place, if the two local boards are prepared to divide the buildings and land, I should not feel myself called upon to interfere. *Mr. Carton* says he does not want the buildings and he is willing to take instead of cash an equivalent in land. No one without walking the land could say how it should be divided or not. At *Bunhill* it was rather suggested that the new and detached schoolrooms built by *Dr. Steele*, and now unused, could be used as a Roman Catholic school. But these are details we cannot discuss here.

*Mr. Atkinson, q.c.*—I understand that, therefore I adopt a general principle.

10787. *Rev. Dr. Motter.*—Don't you see that you are not in a position to get all the land and the buildings as well, because you wish to have your minimum free of charges?

*Mr. Carton, q.c.*—I understand that it is quite easy to separate the land from the buildings.

*Mr. Atkinson, q.c.*—That is what we differ about. I understand the building is in the middle of the land.

10788. *Lord Justice FitzGibbon.*—If this proposal was definitely made that *Mr. Carton* should get all that valuable agricultural land, and that you should take these enormous buildings which would probably ruin you, not only with half the endowment, but even with the whole of it, a serious question would remain whether we should sanction it.

*Mr. Atkinson, q.c.*—Those who instruct me are responsible for that, and they consider that they would be able to maintain it. Your lordship said that if we got £5,000 we could build a suitably equipped school—I did not understand that if these buildings were sold for £10,000, we would get £5,000 to start a new school?

10789. *Lord Justice NAULT.*—Certainly you might. The value of the buildings is treated as part of the minimum grant, and as the scheme stands, the purchase money would belong equally to the two boards,

<sup>a</sup> See Appendix B, No. LXIX., p. 154.

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and a capital sum could be given to each of you to build new schools.

Mr. Atkinson, q.c.—That would in the first place put us to this disadvantage—that we would be idle while the school would be in process of construction.

10790. Lord Justice FRYGROUSE.—What are you doing now? Almost any house in Enniskillen would accommodate your whole school.

Mr. Atkinson, q.c.—I don't think you can leave out of view the questions of association and reputation; it is ridiculous to suppose that a room with thirty-five boys in a stable or in a back street could be worked with the same effect as in the Portora buildings. I don't know that any man would think of sending his child as a pupil to a place with no reputation and no history.

10791. Rev. Dr. MOLLOY.—There are three years during which you can get your school into working order, and start the scheme.

Mr. Atkinson, q.c.—That would be all very well if we continued the existing state of things for three years: but we would not get the £5,000 until the place was sold, and the moment it was sold we would lose our school; and for the time that our new school would be in process of construction there would be none at all, and that would have the most injurious effect upon its reputation, to have the old school sold and turned into a barrack or anything else and no new school created.

10792. Lord Justice NABIT.—Supposing we found that you had the school continuing successfully in the Portora buildings as an educational institution, ought we to hand it over in the interests of education?

Rev. Dr. MOLLOY.—I think you proved that it could not be successful, because the total number of available pupils in the locality, was from twenty to thirty; and you proved yesterday that although the Catholics could get recruits you were not in a position to get recruits, and you made it a great complaint against us that we allowed them to get recruits and to swamp you by their numbers.

Mr. Atkinson, q.c.—Those who instruct me entertain this opinion, but my argument was misunderstood. I say that the population from which the Protestant school is recruited by foreign boarders outside the district is infinitely small compared with the population from which the Roman Catholic school can be recruited; and, therefore, there is nothing to prevent the Roman Catholic school at Monaghan getting smart boys from the Christian Brothers' schools and diverting the 60 per cent through their instrumentality—and I think that would do so.

10793. Lord Justice NABIT.—There never was a time when Portora was filled by means of day boys and boarders from Formanagh.

Mr. Atkinson, q.c.—Yes, but I submit that nothing could be more unjust than to say that the future in reference to these schools would be necessarily like the past, for they were maintained at that time by three masters as fellows of Trinity College almost alone. They taught pupils from a high social class, they were not working in conjunction with the different establishments they will be working in connection with now, and there will be an entirely different system of education and of management, and it will aim at a much wider spirit and, last but not least, at much less expense.

10794. Lord Justice FRYGROUSE.—But if you had anything like the number of boarders you speak of, instead of waiting an endowment, there would be gross profit from the school. When there were seventy-two boarders the net profit, after paying all expenses, is returned at £1,150 a year from these pupils alone. Therefore the real problem you have to deal with is how to maintain in Enniskillen a good school for day boys?

Mr. Atkinson, q.c.—I don't admit that if you found a thousand boys carrying on the school at Portora with credit without a penny of endowment you are

entitled to tear up these charters and to give Portora nothing.

10795. Lord Justice FRYGROUSE.—We should not think of doing anything of the sort. If the school was in that condition now we should treat it as a successful school, but it is not, and we have with this endowment to try to provide a good school.

Mr. Atkinson, q.c.—I say it is contrary to the spirit of the founder's intention, which you must regard if the school in Portora is not to be maintained out of the Formanagh grant. Is it not perfectly plain that we cannot get on without an endowment, and we are entitled to this endowment for this particular school.

10796. Lord Justice FRYGROUSE.—Your contention is that we are bound to give you the whole of the existing buildings. Then because you cannot maintain them without the whole endowment, we must give you that too. But the buildings are not used for day boys, and as a vast boarding establishment involves large expense, though if you get boarders to fill them you would not want anything from the endowment, but the endowment would even be made more effective for its proper purpose keeping up a good school for the day boys of the locality.

Mr. Atkinson, q.c.—But merely to give a grant for day boys would ignore the claims of one sixteen-twentieths of the population, and I claim the Portora buildings, and so much land as is necessary to adequately maintain the school as a boarding-school as well as a day school. If you get rid of these buildings you destroy its past history.

10797. Lord Justice FRYGROUSE.—You cannot destroy past history.

Mr. Atkinson.—You destroy its past history when you destroy the institution with which it is associated.

10798. Lord Justice FRYGROUSE.—The institution which had the history does not exist now.

Mr. Atkinson, q.c.—It does exist. You destroy the association, and the name of Portora, which was a well-known school, at the one time.

10799. Lord Justice FRYGROUSE.—The name is there now, over an empty house.

Mr. Atkinson, q.c.—But that is on account of mismanagement.

10800. Rev. Dr. MOLLOY.—That is not borne out by the evidence, which really goes to show that the total number of pupils at any one time educated in the Royal schools was only sufficient to fill one Royal school well, but was never sufficient to fill the five Royal schools simultaneously. Every one of the five Royal schools was at one time a success, but they never were all successful together.

Mr. Atkinson, q.c.—In a confusion of things it which Under was overbuilt with schools.

10801. Lord Justice FRYGROUSE.—A great many new schools have been now built, and you want to get the largest of the old buildings?

Mr. Atkinson, q.c.—I do, with the expectation that it would be a success if put forward, as the old Portora School under a superior system of management, it would attract pupils, and have a better chance than a new school.

10802. Rev. Dr. MOLLOY.—If you started in attracting boarders you will be lost in need of an endowment, because, according to the evidence, the profits from the boarders enable the head master to maintain his school, and to pay the assistant masters good salaries. Here is Dr. Moore Morgan's evidence:—

"5232. Then in fact your boarders are not a charge upon the endowment, but rather a help?—Yes, they help me to pay proper salaries to assistant masters, which I could not possibly pay them if I had only day pupils."

Mr. Atkinson, q.c.—I think you imagine that you have an absolute control over the endowment, and that, if the school could get on without any endowment, you are at liberty not to give it any. Now, I say that if the Portora School was earning from

people \$1,000 a year you cannot defend the intentions of the founder of the grant, and take it away from that school.

10803. Rev. Dr. Mottor.—We propose to give to each Board a sufficient part of the endowment to help them to take at least one efficient school.

Mr. Atkinson, q.c.—When I spoke of mismanagement, I did not wish to hurt the feelings of anyone, but the entire system shows a state of mismanagement which was as much due to the Commissioners as to anyone else. The whole system was unsatisfactory under the condition of things that prevailed.

Rev. Dr. Steele.—I wish to correct a mistake that has occurred in reference to Portora School. There is provision in Portora at this moment for boarders. There is one dormitory which has never been closed, and which contains sixteen beds fully equipped, and in one week I could receive fifty boarders if they came to the school. The other dormitories were stripped when the boarders left the school, and when I saw no prospect of them coming under the clouds of threatened legislation. I, however, still retain that one, and members of my family have all along occupied Portora.

10804. Lord Justice FitzGibbon.—As a matter of fact, Dr. Steele, are you not resident elsewhere yourself for several years?

Rev. Dr. Steele.—Not for several years—since the beginning of 1886. When the boarders left I did not at first go away, but then when they ceased coming I moved three miles away, being ready to come back the next day if a single boarder came. I daily attend the school.

10805. Mr. Corton, q.c.—As I understand Mr. Atkinson's argument this Act of 1885 might never have been passed, the Commission has been going wrong from the first time it set, and time after time the scheme framed by the Commission and subsequently approved by the Privy Council, thereby getting all the force of Acts of Parliament, have been in violation of the real powers of the Commission, for the Commission has been doing with every endowment as if it were exactly what they propose to do in the present scheme. Mr. Atkinson does not argue that the lands and buildings are not educational endowments within the meaning of the Act. It is expressly stated to be an Act to recognise the educational endowments throughout Ireland, and it defines educational endowments to comprehend both lands and buildings. Now, the ample powers conferred under section 6, enable the Commission to do what they like with educational endowments, provided they carry out the object of the Act which is to recognise the endowments in such a way as to best promote education in Ireland. Section 27 provides that when the scheme has been approved "every Act of Parliament, Letters Patent, Statute, Deed, Instrument, Trust, or direction relating to the subject matter of the scheme, in so far as consistent with the provisions thereof, shall be repealed and abrogated." If Mr. Atkinson's contention be right, we have been losing our time for the last three days, because the arguments urged on behalf of Portora might equally be addressed on behalf of Dungannon, Cavan, Armagh, and all the other schools—yet no counsel appearing for these has ventured to submit this rather startling proposition that under these old Acts of Parliament—express power to repeal which has been given by the Act of 1885, you are bound in respect to what Mr. Atkinson calls a trust fastened on this property to maintain what Lord Justice FitzGibbon has most aptly described as a white elephant. He says at one time Portora was the object of this trust, and that you cannot take away the Portora buildings or land, because under the original foundation there is an irrevocable trust for the benefit of Portora which this Commission has not the power to take away—whereas I contend it has unmistakably the power to alter that trust and to remove the school and to reorganise the governing

body, and the endowment in the interest of intermediate education. The entire scheme is entirely within the jurisdiction conferred by the Act, it is exactly what you have been doing with the Swords Borough school and other schools. You find a school with a large endowment not doing satisfactory work, you divide the endowment between the Catholics and Protestants who are seeking intermediate education. You find an endowment and a large class of people entitled to benefit by that endowment, which is founded for the purpose of promoting education—and you are simply dividing it between two bodies for the purposes of extending the education to all classes entitled to it.

10806. Lord Justice FitzGibbon.—If we are to be held not to have jurisdiction, it must be so held by the Privy Council, but assuming these buildings to be part of the endowment, if they are wanted for the educational purposes of the scheme, should we not use them for these purposes?

Mr. Corton, q.c.—Yes, but if you hand them over to Mr. Atkinson's clients for the purposes of the Fermanagh Protestant Board, they must be charged with the value of them, whatever it is. Mr. Atkinson wants to get them for nothing. If they are part of the Educational Endowment the Commissioners cannot hand them over for nothing, but the full value, at an occupation rent, should be put upon them.

10807. Lord Justice NAIRN.—What is your proposition with regard to the Enniskillen school buildings?

Mr. Corton, q.c.—Dr. Donnelly and the Fermanagh Catholic Board are satisfied on this head with the scheme as it stands. It leaves the two local boards to carry out the matter among themselves. It is not hopeless that a fair settlement can be come to, having regard to what has been mentioned with reference to Dungannon, and if six months after the scheme is launched, the two local boards cannot agree, the Commissioners of Education have ample powers under another section to frame a scheme.

10808. Lord Justice NAIRN.—They have power to approve of any scheme, and if there is no scheme, to sell.

Mr. Corton, q.c.—Postponing the final consideration of this matter until October, with power to the parties in the meantime to send in their views would be a convenient course; but values will value according to the side by whom they are employed, and I would suggest that between this and the next sitting, the Commissioners should get an independent valuation made.

10809. Lord Justice NAIRN.—This is a very difficult kind of property to value.

Mr. Corton, q.c.—I know it is; but I only threw out whether an independent valuation could not be had by the Commissioners for their own guidance?

10810. Lord Justice FitzGibbon.—We have already tried to do that and found that it was useless because of the question whether they were to be valued as school buildings or as property to be sold in the market. In the latter case the value put on them by professional people is a great deal less than if they are valued as school buildings; but on the other hand valuing them as school buildings assumes that they can be used for a successful school, and it would be utterly unjust to take the value on that principle of these Portora buildings against local people who took them on the chance of being able to establish a school in them. We therefore have no figure that we can look to, except the Government valuation.

Mr. Corton, q.c.—There is a large amount of the land which could be easily valued.

10811. Lord Justice FitzGibbon.—It is not so easy as you think. The Portora buildings occupy most of the flat portion of the land, and there are great slopes down from them on each, and a considerable quantity of land between the existing playground and the lake which would be hard to separate.

Mr. Corton, q.c.—Archdeacon Smollen and Mr.

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Why think it would be perfectly easy and they know the place well.

10812. Lord Justice FitzGibbon.—It would be well if Mr. Atkinson's clients, who say they want only the buildings and whatever land is necessary for the school, would mark on the ordinance map the portion of land which they regard as essential. If they claim the whole as essential we must deal with that proposal, but if they did not claim the whole then the claim portion would remain to be dealt with. You offer to give them the buildings and you too should mark on a map what land you think ought to go with them.

Mr. Carion, q.c.—When they come to consider the question they will find that they have not the faintest notion of taking the buildings.

10813. Lord Justice FitzGibbon.—There is a good deal of sentiment and something more than sentiment here, because a school that could call itself the literal descendant of old Portora would have more value. They would have to give credit for it, and they will incur enormous responsibility in taking over this great place, but we cannot ignore their feelings, and the question of prudence is more for them than for us.

Mr. Carion, q.c.—I at once concede that if they really satisfy the Commissioners that they want the Portora buildings for purposes of education they have a right to get them on the condition of paying for them. But I am quite prepared to mark on the ordinance sheet so much land as we think would be essential for the working of the Portora school.

10814. Rev. Dr. Mooney.—Do you think what would remain would be sufficient for the Catholic board as a set-off against the buildings?

Mr. Carion, q.c.—That would depend on the quantity of land they would require.

10815. Lord Justice FitzGibbon.—We won't ask you to proceed any further with this matter now. You can do a great deal towards coming to a conclusion, if Mr. Atkinson's clients persevere with the intention of trying to keep up the school in the existing buildings, if they show how much of the land they think essential to the buildings and will also say what they think the annual value of what they want. You on the other hand would point out what land you are willing to take and what you regard as the annual value of it. If you mark a piece of land and say we regard that piece of land as worth say £60 a year, and they send in a claim for the buildings and a piece of land, same the price, say £100 a year, and you agreed on the boundaries the result would be that Mr. Atkinson would get his buildings and land for £20 a year! If on the other hand, which is most probable, your estimates and line of demarcation differed, we might keep you to settle the thing between you.

Rev. Dr. Mooney.—In the meantime some one may offer a bulk sum, and you could consider whether it would not be better to take it, and to divide it.

10816. Lord Justice FitzGibbon.—Do you really want any land, Mr. Carion, for educational purposes?

Mr. Carion, q.c.—We don't want land; we would much rather have money; but in the event of their seriously wanting the buildings, and that they do not want the entire land, we would be quite prepared to take the portion left outside the requirements of the buildings at a valuation.

10817. Rev. Dr. Mooney.—You would allow them to have the buildings free, together with the land necessary for school purposes, without encroaching upon the minimum which Mr. Atkinson is anxious to preserve intact?

Professor Deane.—You would not object to sell the surplus land, and to take the money which that sale would bring in as portion of your share of the endowment?

Mr. Carion, q.c.—Certainly not.

10818. Professor Deane.—That would bring the matter a step nearer to a settlement.

Mr. Carion, q.c.—It is much better for the pur-

pose of local education that the local boards should deal with the cash.

10819. Lord Justice FitzGibbon.—Let your clients understand, Mr. Atkinson, that\* between this and October they should state how much of this land they regard as absolutely essential to the working of the school, and the value they put on it. Half the price of what is sold would go to your own credit by the scheme as it stands, and, therefore, it is your interest to take only what is absolutely essential. On the other hand Mr. Carion's clients will let us know what they think should be sold, or handed over to themselves.

Mr. Carion, q.c.—Speaking roughly they think what would be sufficient for the school would be the buildings, the lawn in front, the cricket ground, and the play-ground?

10820. Lord Justice FitzGibbon.—The land in connexion with the Dungannon School is an admirable piece, and it contains only a little over ten acres.

Mr. Carion, q.c.—My clients are quite satisfied that Mr. Atkinson should take the buildings, and all or such portion of the land as they require at a fair valuation.

10821. Rev. Dr. Mooney.—I presume, Mr. Atkinson, your clients when they send in a complete valuation will take into consideration the prudence of taking over these enormous buildings.

Mr. Atkinson, q.c.—I presume they have done that.

10822. Lord Justice FitzGibbon.—A great part of these buildings was added recently, and perhaps if you could do without these extra buildings—

Mr. Atkinson, q.c.—That is what we consider the hardship. They were built out of income, and not out of the capital of the fund, and we might have spent the income otherwise.

Mr. Carion, q.c.—There is a provision in the scheme that so far as any portion of these buildings were erected by private benefactors the present value shall be treated as belonging exclusively to the share of the Protestant Local Board. I understand that Dr. Steele is making some claim.

Lord Justice FitzGibbon.—That claim will come up when we come to his varied interest; the provision we mention relates chiefly to one of the wings of Dungannon, and to some buildings in Armagh.

10823. Lord Justice FitzGibbon.—The Raphoe case is next.

Mr. Bewley, q.c.—As to the Raphoe case, I had in a report of the Special Commissioners to investigate the Raphoe charities which was in 1852. The effect is to show that the Raphoe school is a private endowment. This, I believe, was not previously before the Commissioners, and I was asked by Canon Bellingham to bring it under your notice. The school buildings were erected out of funds under the will of Nicholas Foster, Bishop of Raphoe.

10824. Lord Justice FitzGibbon.—That refers only to part of the buildings.

Mr. Bewley, q.c.—I was under the impression that it applied to the whole.

10825. Lord Justice FitzGibbon.—We shall be glad to have this report, but I think a portion of the building used as a library is all that was a private benefaction.

Rev. Dr. Steele.—One of the wings is two stories high. The lower story is a library and the upper story is used as a dormitory.

10826. Lord Justice FitzGibbon.—Is the title of the land upon which that wing is built different from the rest?

Rev. Dr. Steele.—I have no idea. When I was appointed the title was, so far as I know, alike for the whole. I should state that at one time, as consequence of the large number of boys attending the school I converted the library into a dining-room, but I believe it was afterwards re-converted into a library.

\* See Appendix B, Nos. LXVI., p. 505.

10837. Rev. Dr. MOLLOY.—Was there any library there in your time?

Rev. Dr. Steele.—Yes; but I removed the books into another room in order to convert the library into a dining-room.

10838. Professor DOUGHERTY.—And the books have since been taken to Derry?

Rev. Dr. Steele.—So I understand.

Mr. Ross.—I have got the facts about the library from another source. The library is in Derry, but the salary as librarian is still paid to the head master of Raphoe.

Professor DOUGHERTY.—We know that.

10839. Lord Justice FITZGERSON.—But the point at present is the title to the building. Have you any evidence that any part of the existing building was not built with the Royal School fund?

Mr. Bessley, Q.C.—There is an inscription on the chimney showing that it was not built with the original fund. That will come before you on the claim as to being a private endowment, and we are anxious that this claim should be settled by this Commission. We shall never have so good a tribunal to decide the matter again, and it would be very important for us if the point will be finally settled.

10840. Lord Justice NAHEM.—When was the library established?

Mr. Ross.—It was built in 1737 by the then Bishop of Raphoe, and it bears an inscription to that effect in stone over it.

10841. Lord Justice NAHEM.—Is this an integral portion of the school building?

Mr. Ross.—Yes.

10842. Lord Justice NAHEM.—Not built away from it?

Mr. Ross.—No, you have to go through the school to get to it.

10843. Lord Justice NAHEM.—When was the library sent to Derry?

Mr. Ross.—Within the last few years. Since a School Hall was provided in Derry; about 1894.

10844. Lord Justice FITZGERSON.—What is the proposal as to how the Raphoe School buildings are to be best utilized?

Rev. Professor MAGUIRE, V.R.—The school buildings are in the centre of a very non-Catholic district, hence the suggestion that the party who did not require the buildings should send in a proposal would be very embarrassing to us, because, even if we were to value the buildings, they are not in a desirable position for us. We ask, seeing that the endowment is so extremely small, and that it is proposed to render our portion of the endowment almost useless to us by departing from the principle of having one good, efficient, well equipped school for each denomination in the locality by extending the endowment outside the diocese, and that, therefore, the portion of the endowment in which we would have to work the school in the diocese would be so very small, all that we ask is that the amount allowed for the school be as high as it can be fairly estimated. That will also be in the interest of the Presbyterians, because in all probability the school will fall into the hands of the Presbyterians—if not exclusively at all events largely—and it becomes of importance to them and to the Protestants generally to allow the Catholics some substantial interest in the endowment, because otherwise, seeing that it is Catholics that pay the rent, the Catholics will feel there is no reason why they should put themselves to any extraordinary trouble to pay moneys into a fund from which they derive no advantages.

10845. Professor DOUGHERTY.—There is no suggestion of the "Plan of Campaign" I hope!

Rev. Professor MAGUIRE.—As Mr. Dougherty, who knows the district well, has referred to that matter, I would like to have this opportunity of saying that the Lord Bishop of Raphoe most emphatically con-

demned any form of resistance to the payment of a fair rent where it was possible.

10846. Professor DOUGHERTY.—I believe that resistance to the payment of rent is of very old standing in this particular district!

Rev. Professor MAGUIRE.—Well it has been at all times condemned by the Catholic Bishops, but it has been specifically and emphatically condemned within the last few weeks by the present Lord Bishop of Raphoe. I would suggest to refer the allocation of the buildings to some local committee composed of Presbyterians and of Catholics, and I think they could decide on the matter.

10847. Lord Justice FITZGERSON.—We can do in your case what we have proposed in Carrigrohane. Ask those you represent to send in a memorandum stating what they consider they could fairly expect as the rent of the premises; and we will ask the others who want the buildings for a school to say what they regard them as worth.

Rev. Professor MAGUIRE.—The Presbyterians, if they wished, could make the buildings practically valueless for us.

10848. Lord Justice FITZGERSON.—That might be the effect of your not allowing them to have them at a fair rent. The buildings are worth more to them for a school than to anybody else for any other purpose, and we think they ought to get them at a fair rent. If you will each tell us what you consider would be fair we will form an opinion as to what we should do.

Mr. Drummond.—I think you mentioned three elements that you would take into consideration—1, the annual value; 2, the selling value; and 3, the amount for purchase.

10849. Lord Justice FITZGERSON.—If you wish you can send in what you regard as the capital value. But in the Raphoe case unfortunately instead of there being any capital fund there is a debt of £200.

Mr. Ross.—I am instructed to support very strongly the proposal that this Raphoe school should be given over to the Denagall Protestant Local Board at a fair rent, they want it, and it would be of use to them and to nobody else.

10850. Lord Justice FITZGERSON.—Then let each side send in an estimate, and we will try and arrange it. But if there is no agreement you may have to fight it out in the open market, and it would be a great advantage to agree, for if we do not see our way to approximate between you, in Raphoe at all events it may be hard to get anybody to bid against the Presbyterians.

10851. Lord Justice FITZGERSON.—We will do our best; we only want the material. We now come to Arragh, and in this case the buildings are so much mixed up with the question of the vested interests that I think we may take both together.

Mr. Bessley, Q.C.—Before you go into that, I wish to make an observation with regard to section 51 of the scheme. I think there is a mistake in that section—that what was meant to be done was, that what was provided by private Protestant benefactors was to be respected, but the effect of the section is that a private Protestant endowment is to be treated as part of the Protestant share, and deducted from it.

10852. Lord Justice FITZGERSON.—You mean added to it.

Mr. Bessley, Q.C.—No, the words are—"if any portion of the existing premises was provided by any Protestant benefactor, out of private moneys, and is of ascertainable value, the present value shall be ascertained, and treated as belonging exclusively to the share of the Protestant Local Board." On the construction of those words, it would be deducted from their share.

10853. Lord Justice FITZGERSON.—I am sure none of us put that construction upon the clause.

Mr. Bessley, Q.C.—That must require some verbal amendment.

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10844. Lord Justice FRYGEMAN.—It may be wrongly worded; but the intention was to add the private benefactions to the Protestant share. On this point we have no trustworthy evidence. We sent to the Commissioners of Education for details of the funds spent in this way, and they sent in a return practically saying that there were none. On the other hand we were pointed out a ring in Dungannon, and a building in Armagh said to have been built by the private money of the Archbishop.

Mr. Buxley, Q.C.—If it was known that the Commission would entertain the question, claims would be sent in, and the matter would be finally decided.

10845. Lord Justice FRYGEMAN.—We would want claims, and also some proof to sustain them.

Mr. Buxley, Q.C.—The evidence could be sent in as to the buildings erected from private benefactions.

10846. Lord Justice FRYGEMAN.—We have no difficulty as to the principle on which we ought to settle the matter, and we hope no wrongly founded claim prevails on the subject. Supposing it was proved that, say fifty years ago, £4,000 was spent by an Archbishop on one of these buildings, we could not treat the Protestant Board as having now a charge of £4,000 on the buildings, but we should have to ascertain what proportion of the value of the whole existing building was attributable to the part so built.

Mr. Buxley, Q.C.—That would be perfectly fair.

Mr. Curzon, Q.C.—Before you go into the question of vested interest, there are a few small points in Schedule I. to which I wish to refer. It provides that four marks shall be allowed for every pupil that passes the matriculation of any university of the United Kingdom. Is it intended that the marks should count twice over, supposing a pupil matriculates in the Royal University, and having gone through his course begins over again, and matriculates in another university?

10847. Rev. Dr. MORTON.—It is not.

Mr. Curzon, Q.C.—So I should have thought; therefore there should be some safeguard that only one matriculation should count.

10848. Rev. Dr. MORTON.—We will make that right.

Mr. Buxley, Q.C.—There is another matter that requires to be verbally amended. There are no matriculation examinations in the University of Oxford and Cambridge, but I understand that there are such examinations in the colleges in those places.

10849. Lord Justice NASH.—That should be altered to include colleges in the universities.

Mr. Curzon, Q.C.—In sub-section (b) of Schedule I., would it not be wise to define that a boy could not pass in the same grade of the Intermediate examination more than once. Is it intended that if a boy passes in the junior grade, and then goes up and passes again in the next year, that should count twice over?

10850. Lord Justice FRYGEMAN.—That is rather a complex question: if a pupil passes in the junior grade this year, next year in the middle grade, and the following in the senior grade, there could not be better proof that during all those three years he had been receiving valuable intermediate education in the school, and I would allow his school to count him each year once in each grade. His passing in a second year in the same grade, as he must be still within the prescribed age, also seems to show continuing school work, but passing more than one matriculation or professional examination appears to stand on a different basis, because the same school preparation would probably enable him to matriculate anywhere, or to pass into a profession, and this final proof of school work ought not to count more than once for the same boy. Now we have got a great deal of help already in this matter, and we want to make the schedule work as fairly as possible, and I think we, the Judicial Commissioners, may say that we will not sign the scheme until we have sent a revised copy of this schedule to the educational authori-

ties, and got their observations upon it in writing. They know a great deal more about it than we do, and we desire that it should be treated as an educational subject. The Schoolmasters' Association could give us valuable help in this matter.

Rev. Dr. MORTON.—There may be some defect in the language used, but we can easily make it right.

Mr. SHAW.—It ought to be borne in mind that, in addition to the matriculation for the Royal University, there are separate matriculation examinations for a number of colleges in connection with the Royal University.

10851. Lord Justice FRYGEMAN.—I don't understand it to be intended that if a pupil matriculates into a university, the school which prepared him is ever to get any more money for having taught him as a school boy.

Mr. SHAW.—Certainly not, but I wish to understand, supposing a pupil matriculates into one of the Queen's Colleges, or into the Royal College, whether that will entitle the school to receive fees, or whether he must matriculate into the Royal University as well.

10852. Rev. Dr. MORTON.—He must matriculate in a university.

Mr. SHAW.—I would suggest that if a man passed the matriculation in the Queen's College or in the Queen's Colleges it should be sufficient.

10853. Rev. Dr. MORTON.—You propose that we should put them in the same grade as a university?

Mr. SHAW.—Certainly.

10854. Rev. Dr. MORTON.—We give most credit for the matriculation examination of a university than for the matriculation examination of the Queen's Colleges.

Mr. SHAW.—That depends entirely on the standard of the examination.

10855. Rev. Dr. MORTON.—And the standard of the examination is a reason for our proposal.

Mr. SHAW.—I understand that the standard of the matriculation examination is quite as high as in the case of the Royal University.

10856. Rev. Dr. MORTON.—I think you are not correctly informed.

Archbishop WALSH.—That proposition would be objected to on educational grounds almost unanimously except by the Queen's Colleges themselves.

10857. Rev. Dr. MORTON.—The Queen's College matriculation is not on a level with the Royal University.

Lord Justice FRYGEMAN.—Some difficulty must arise in every endeavour to estimate the educational value of examinations. And what strikes me as being a cardinal distinction from the point of view of the scheme, as to the work done by the school—would be the distinction between passing the junior grade of the Intermediate examinations, which is an indication that the boy's intermediate education is not yet finished and that his school course is not yet over, and one passing any examination that indicates that a boy's school days were over, whether he becomes an apothecary, a clergyman, a civil servant, or the student of any recognised college or university, I should be inclined to recognise for each one final test examination after leaving school, and only one. It occurs to me that we might make a simple rule and get rid of all this difficulty of weighing examinations—if we allowed two marks for the junior grade, three for the middle, and four for the senior grade, and then to give one uniform value, say four marks, for each pupil turned out of school and passing any recognised examination in which he stood the test of having got at his school a genuine intermediate education. But that would, so far as the school was concerned, be a final examination. That would go in the direction Archbishop Walsh approved yesterday of treating passes on the same scale irrespective of distinctions. I don't see why the school should be affected by the standard of

this final examination, where its duty is to pass the boy through the examination he wants, whether it be for the College of Surgeons, or one of the Queen's Colleges, or Trinity College, or Maynooth, or the Civil Service. In each case, for our purpose, the same question arises, has the schoolmaster done his work meritoriously?

Mr. Shaw.—What will be done with pupils who go to universities where there is no matriculation examination? A large number go to Glasgow and Edinburgh where there is no matriculation examination. They simply present themselves, take their classes, and take their instruction, and no question is asked.

10835. Lord Justice Fitzgerald.—*Præcis facite*, you would have been paid for these while passing the Intermediate examinations in Ireland, and we can't pay any further for them, without some test or some guarantee that they have got special education. A great many will go into trades, or go home, and learn no more.

Mr. Shaw.—That depends upon whether a man goes to a Scotch or to an Irish University—there is not in the one place and there is in the other place a matriculation examination.

10836. Rev. Dr. Moller.—I understand that Scotch boys go up at thirteen and fourteen for matriculation. The Scotch Universities take the place, to some extent, of intermediate schools.

Mr. Drummond.—It would be no test of educational status for boys to enter Glasgow or Edinburgh before the disestablishment of the Queen's Colleges, the men who went to Glasgow were those who had failed to pass the examination at the Queen's College.

Mr. Shaw.—I have more information on that point than Mr. Drummond has, and I know that that is not so.

Mr. Drummond.—I know of a number of instances in which men when they could not pass the examination at the Queen's College went to Glasgow and succeeded there.

Mr. Buckley, q.c.—I think there should be some limit of age on the schedule. I observe one witness spoke of pupils between the ages of sixteen and thirty going in for examinations of this character.

Lord Justice Fitzgerald.—The Intermediate ages are fixed.

10840. Rev. Dr. Moller.—I think the number of pupils of excessive age would be small, and would not disturb the balance, and I must say for myself, that I never could see why a young man who wished to get education should be deprived of the advantages of a public endowment, simply because he had reached the age of twenty-one.

Professor Drummond.—And the work done in educating a man of thirty is more than in educating a boy of twenty.

10841. Lord Justice Fitzgerald.—I should object to paying for such work on the ground that it is a waste of public money. If you educate a boy of eighteen, the state gets twelve years more work out of him than out of a man of thirty—who ought to have got some other calling than attending school before that age.

Mr. Carter, q.c.—I think the schedule ought to be also modified to meet this difficulty which often happens—a boy leaves school this year and then goes on into private study and in matriculation, really not as the result of the work done by the school, but as the result of private study, it seems unfair to give the school the benefit of what is really the result of private study.

Rev. Dr. Moller.—I think we should put in a provision that they must come direct from the school.

10842. Lord Justice Fitzgerald.—And we will have to consider whether we should not put in some limit of age.

Mr. Buckley, q.c.—The Intermediate Education

Commissioners do that as far as their examinations.

10843. Lord Justice Fitzgerald.—They do, but our limit should be something under, as a considerable number of boys go up for the Royal University who are too old to pass the Intermediate.

Mr. Carter, q.c.—Sub-section (f) of section 45 of the scheme sets forth—"The school shall, during the year for which the claim is made, have had in regular attendance not less than twenty-five pupils receiving an intermediate education, and not less than ten pupils of the school shall, during such year, have passed a qualifying examination as defined in Schedule II. hereto, having each made not less than one hundred attendances at the school during the twelve calendar months preceding the examination."

10844. Rev. Dr. Moller.—That is a condition which must be fulfilled by the schools which claim to share in the results fees, but it has nothing to do with the way of calculating the amount of the results fees which each school is to get.

Mr. Carter, q.c.—The pupils should either pass direct from the school, or within a certain time after leaving the school. It is only right to say that there was an objection of Dr. Donnelly's asking the Commission to lower these numbers, but he instructed me to withdraw it. He thought the condition was too severe, but on consideration he thought it would not be a really efficient school unless these numbers were retained.

Mr. Buckley, q.c.—I am also instructed by Dr. Logan to withdraw his objection on that point.

Mr. Shaw.—I am instructed to press very strongly that the limit of the number of those getting intermediate education should be fixed at ten or at the highest of fifteen.

10845. Lord Justice Fitzgerald.—We have heard that already; but I understand you not to press it with regard to the school getting the minimum grant.

Mr. Shaw.—No, I think the school getting the minimum grant should have the number fixed at twenty-five.

10846. Lord Justice Fitzgerald.—With regard to other schools the only effect of leaving the numbers as they stand would be to leave a smaller number of schools to share the surplus.

Mr. Drummond.—I am instructed to make an observation as to the possibility of having the marks awarded by an Inspector of the board or some such person, because the test provided by the scheme is arbitrary.

10847. Lord Justice Fitzgerald.—We discussed that and discarded it, as the responsibility, expense, and time taken up would be excessive, and nobody would be satisfied with the Inspector's report.

Rev. Dr. Moller.—It would necessitate a complete system of examination.

Mr. Drummond.—My clients would be quite satisfied, because there is a large number of pupils who do not go into the Intermediate examination.

10848. Professor Drummond.—If we increase the number of examinations in Ireland we shall have no time left for education.

Mr. Ross.—You will remember my objection to the whole results system, and this discussion shows that it will be impossible to work it.

Archbishop Walsh.—Before marks are allowed for a pupil passing the examination, I think, some number of attendances at the school should be required.

10849. Rev. Dr. Moller.—Your Grace may remember that 100 attendances are required by the scheme.

Archbishop Walsh.—One hundred attendances are required from a certain number of pupils to qualify the school, but I think, that does not apply to the state of things which I wish to bring under your notice. There is nothing in the scheme as it now stands to prevent a school letting in twelve clever boys a week or two

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before the examinations, and sending them in as boys educated in the school.

10870. Lord Justice FRYGIMON.—That point must be made clear, and we shall have to attend carefully to the settlement of all these details, and we will invite observations and suggestions on the revised schedule.

Archbishop Walsh.—Before you finally reject the suggestion of having an inspector appointed by the Commissioners of Education, I should wish to point out that there does not seem to be the same difficulty about that as there is about these competitive examinations going on all over the country. Such a system is worked by the National Board without difficulty in the thousands of schools they have under their direction. Probably there would not be more than forty or fifty schools altogether concerned in this matter.

10871. Lord Justice NASH.—Then does your Grace support the suggestion of Mr. Drummond?

Archbishop Walsh.—It comes upon me as a new idea, and it seems to me to be an excellent one. I think it worth thinking over at all events.

Rev. Dr. MOLLON.—We should require a large staff for such examinations.

10872. Lord Justice FRYGIMON.—If any one by looking at a school could ascertain that its pupils were getting a *bona fide* intermediate education, we might be satisfied with the report of the inspector under the scheme. But the cost of any sufficient inspection would be great and the schoolmaster would never be satisfied with an examination that did not enable the inspector to report that each boy was being properly taught in all the required subjects.

Archbishop Walsh.—Perhaps the cost of the inspection might be paid out of the Consolidated Fund as the expenses of the Commissioners of Education are now.

Mr. Drummond.—We think it could be done very easily and inexpensively, and a small sum might be allocated to the appointment of one inspector out of the funds at the disposal of the Commissioners. There are only ten schools and this arbitrary system of attaching one value to one pass and another value to another might be dispensed with, and, besides, in some schools a very great injustice might be avoided. My clients have a substantial interest—for very many of the students of the Catholic College in Cavan go to Maynooth. Most of these pupils do not trouble themselves with the intermediate examinations but go straight into Maynooth.

10873. Rev. Dr. MOLLON.—And you are to get credit for that.

Mr. Drummond.—Up to the present that is not included. Besides it is on a level with the senior grade of the Intermediate, and there would be no provision for the Cavan school from passes in the junior and middle grades of the Intermediate examinations, because they would not have any candidates in them.

10874. Rev. Dr. MOLLON.—Could not the heads of the Catholic college make some effort to have a centre established in Cavan. That is done by institutions much smaller than yours.

Lord Justice FRYGIMON.—Your suggestion was tried some years ago when the former Commission sent a fellow and a graduate of the University of Dublin to examine several schools, and their reports were not accepted as satisfactory by the schoolmasters.

Mr. Drummond.—One or two gentlemen could be appointed to examine the pupils of these schools at a very small cost.

10875. Professor DEWEY.—Would you propose that the same inspector should examine the Protestant and the Catholic schools?

Mr. Drummond.—Certainly.

10876. Professor DEWEY.—You think that the one man could do the work satisfactorily to both parties?

Mr. Drummond.—I think on the whole more so the Royal University he would. That University has now got a permanent Protestant and Catholic examining body.

10877. Rev. Dr. MOLLON.—The bulk of the examinations of the Royal University are conducted by papers, and the examiners never see the candidates. Do you propose that they should go down to the schools?

Mr. Drummond.—I think there should be a visitation of the school.

Archbishop Walsh.—If you have for the basis of distribution an examination conducted like the results examinations of the National Board, I don't see how any difficulty on the religious question need arise.

10878. Lord Justice FRYGIMON.—There might be a difficulty as to the number and denomination of the inspectors.

Archbishop Walsh.—I don't think so at all. There is practically no religious difficulty in the case of the results examinations under the National Board. I have known cases in which the change from a Catholic inspector to a Protestant one was considered a very favourable one in a number of Catholic schools.

10879. Rev. Dr. MOLLON.—The Catholic inspector was afraid, I suppose, to show any leniency?

Archbishop Walsh.—Sometimes a Catholic inspector may be found who is afraid even to be just, afraid of even a groundless charge of undue leniency.

10880. Lord Justice FRYGIMON.—I still fear there might be a great difficulty as to the number of inspectors required. The courses must include Latin, Greek, Mathematics, English, French, German, and other subjects.

Archbishop Walsh.—It may not be necessary to have more than one examiner. It is not a competitive examination. The Act 53rd Geo. III. section 4, provides for the payment of such officers as the Commissioners shall think proper for carrying into execution the purposes of the Act, and empowers them to certify to the Lord Lieutenant such sums as they deem adequate to defray the expense of such officers and the incidental expenses of the Board.

Rev. Dr. Moore MORGAN.—I have been greatly interested in this matter of the test, and if we could get a broad, fair, and uniform test we are all of opinion that it would be more satisfactory; I am sure that a diversity of standard would never give satisfaction all round.

10881. Lord Justice FRYGIMON.—What would you think of having but one inspector?

Rev. Dr. MORGAN.—That is far better—the inspector proposed in the scheme.

Mr. Drummond.—My clients would be satisfied to have one inspector appointed by the Commissioners.

10882. Lord Justice FRYGIMON.—Our Act provides that it must be an appointment by the Lord Lieutenant.

Archbishop LOGAN.—Would it be possible to get the Intermediate Commissioners in the interests of education to waive this fee for the examination of pupils over age? Their endowment is not a Government endowment. It is from our own Irish Church Fund, and I am afraid as their interest may soon be reduced you have not much chance of inducing them to do that.

Archbishop LOGAN.—It would not increase their expenses, if they undertook the duty of examining a few extra boys. The great objection to making the Intermediate examinations the test under this scheme would be that boys over age have to pay 10s. if they

undertook to examine boys under these circumstances for it would get over the difficulty you are now discussing.

10683. Lord Justice FitzGibbon.—I am afraid it would not get over the whole difficulty, because for several schools the Intermediate Examination test alone would not be sufficient, particularly in girls' schools—there being so many that do not send pupils to the Intermediate Examination.

10684. Rev. Dr. Motter.—It might be a matter for the Schoolmasters' Association to take into consideration, and if they sent in a report it would help us.

10685. Lord Justice FitzGibbon.—I don't think those who spoke have quite understood the difficulty. One schedule lays down the conditions to be fulfilled by the school in order that it shall be entitled to receive any share of the Royal Endowment. The other schedule fixes the marks to be assigned for pupils passing different examinations—according to which the results will be apportioned from time to time among the qualified schools. If you establish any new system of examinations, the actual distribution of results between the several schools will depend entirely upon the results of these examinations, and there will be a practical competition between the schools by means of these examinations—the conduct of which will therefore be subject to interested and eager scrutiny and observation.

Rev. Dr. Morgan.—I am certain that the Schoolmasters' Association would not be satisfied with a proposal that introduced these various examinations; they would far prefer a system which would have only one examination.

10686. Rev. Dr. Motter.—I am sure of that; and if the two Schoolmasters' Associations considered this matter together they might send in a joint report, or two separate reports which would be of great assistance to us in revising the scheme next October.

Mr. Roche, q.c.—As you are passing from this subject, your lordship would, perhaps, allow me, on the part of the Roman Catholic Archbishop, to say something on the buildings question before you go into the question of vested interests. The Archbishop adopts the principle of the scheme as set forth in the 15th section, with respect to the Armagh buildings, and with respect to all he wishes is that the endowment of Armagh should get the ordinary fair value of the buildings there. With a view to arriving at that fair value, he suggests that each party interested should be at liberty to make a proposal, and to name the value that he is ready to give, if declared the purchasers of the buildings. Supposing an offer is made by either the Protestant or the Catholic Board—the party making that offer—bidding what he thinks fair for the buildings—shall, if the other party do not elect to take the buildings at that offer, be obliged to himself purchase them for the sum that he names in his offer. It would be a self-acting arrangement, and would ensure that a fair offer should be made. With that modification, so far as the buildings are concerned, he adopts the scheme.

10687. Lord Justice FitzGibbon.—Would you be willing to send in a tender, offering to take the buildings yourself, allowing the rent or price you put down to be charged against you unless the other side take them at that same figure.

Mr. Roche, q.c.—Yes, that is, as I understand it, the Archbishop's view. The tender will, of course, be based on a valuation.

10688. Lord Justice FitzGibbon.—Naming a capital value would be, in all probability, putting a price on people who could not pay. You could deal with it better as an annual rent.

Mr. Roche, q.c.—I apprehend that the Archbishop would not have any objection to offer a rent instead of putting a capital value—and let the tender take on each side the form of rent.

Archbishop Leazar.—Certainly.

Rev. Dr. Motter.—You might give both valuations,

the annual rent, and the capital value. We should like to get both in every case.

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10689. Lord Justice FitzGibbon.—We will now take the<sup>st</sup> vested interests.

Mr. Walker, q.c.—I appear for the Rev. Dr. Moore Morgan, and his position seems to be somewhat like that of Mahomet's coffin. It is my duty to have his vested rights determined, but compensation may not be necessary if he is to work on under the new scheme, if the conditions which he considers necessary for saving his vested rights are agreed to and carried out.

10690. Lord Justice NABH.—If he is kept in his present position with his rights preserved, then the question of compensation will arise at the end of the period fixed when he would retire.

10691. Lord Justice FitzGibbon.—What are your objections to the proposal in the scheme for saving his vested interests?

Mr. Walker, q.c.—In the first place there is one very important one—the tenure of his office.

10692. Lord Justice FitzGibbon.—The tenure of his office is for life.

Mr. Walker, q.c.—No. He holds during residence and good behaviour.

10693. Lord Justice NABH.—What is the substance of your alteration?

Mr. Walker, q.c.—It begins with paragraph 55 of the scheme. I propose to strike out the words "so long as he continues to discharge the duties of his office," and to read "during good behaviour."

10694. Lord Justice FitzGibbon.—That was intended to be covered by the words "continues to discharge his duties?"

Mr. Walker, q.c.—The appointment is during residence and good behaviour, and there is a simplicity about the words "good behaviour" that we lawyers all know.

10695. Lord Justice FitzGibbon.—The words of the scheme are taken from the analogy of the Church Act.

Mr. Walker, q.c.—I don't think there is any substantial difference between what the Commissioners intend and what I propose.

10696. Lord Justice FitzGibbon.—It is a verbal alteration. What is the next objection?

Mr. Walker, q.c.—I object to the limit "not exceeding £175" as the sum to be paid for rent and repairs. You are now dealing with him as a schoolmaster having the use of the school premises. There are six and a half acres of land with the house rent free. In addition there are eleven and a half acres of land of which the rent is £40. The taxes are £37 and the insurance £15. The average of all these is £93 13s. 7d., and on the same basis the rent, taxes, and insurance with the repairs, would make the average of all the items which go to support the fabric amount to £360. At page 407 of the evidence for 1885-1886 you will find all the figures. I have given the average. Some are fixed payments.

10697. Lord Justice FitzGibbon.—During what period of years have you taken it?

Mr. Walker, q.c.—Five years.

10698. Lord Justice FitzGibbon.—But there seems to have been some extraordinary expenditure included in that period.

Mr. Walker, q.c.—No, Dr. Morgan is here if there is any difficulty about the items.

Dr. Moore Morgan.—We have always had in addition to repairs, improvements.

10699. Lord Justice FitzGibbon.—But you cannot have a vested interest in future improvements. The figures in the Commissioners' reports include expenditure on the tenantry school, and the average outlay on the Royal School for the last three years seems to be about £190. You have taken a different period, we must take the average at present.

Mr. Walker, q.c.—I understand the average adopted in the scheme was for two years.

10700. Lord Justice FitzGibbon.—The scheme

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says "estimated average amount." It says nothing about the period.

Mr. Walker, q.c.—But the £175 is arrived at as an average of the outlay on repairs for five years.

10901. Lord Justice Fitzgerald.—And what is wrong in it?

Mr. Walker, q.c.—Nothing; but I want to have added to the repairs, "Rent, taxes, and insurance" in the column "miscellaneous."

10902. Lord Justice Fitzgerald.—That includes the salary of Mr. Fleming, the clerk, and things of that sort.

Mr. Walker, q.c.—I am instructed not. Dr. Morgan says not.

10903. Lord Justice Fitzgerald.—We have taken the original reports of the Commissioners to Parliament.

Dr. Moore Morgan.—We only come down to 1855.

10904. Lord Justice Fitzgerald.—We are bound to come down to the present time. We cannot give you a vested interest in the average outlay of years gone by, you may begin a little back for an average, but you must come down to the present time.

Mr. Walker, q.c.—The period must be taken up to August, 1855, because that is the period of the vested interest at the date of the passing of the Act.

10905. Lord Justice Fitzgerald.—But the interest then vested has not been disturbed as yet by anything done under the Act.

Mr. Walker, q.c.—On the contrary it is entirely subverted. What you have to ascertain, I respectfully submit, is the vested interest of the individual at the date of the passing of the Act.

10906. Lord Justice Fitzgerald.—If a man has a vested interest, and repairs are included, he ought to have precisely the same vested interest now as at the time the Act passed.

Mr. Walker, q.c.—I apprehend that if you fix a sum, and do not put in the words "sufficient and reasonable" you must take an average going behind the date of the passing of the Act.

10907. Lord Justice Fitzgerald.—We must fix a sum, otherwise Dr. Morgan would be always asking, and the Commissioners would be always refusing to spend money on repairs.

Mr. Walker, q.c.—I quite admit that it is necessary.

10908. Lord Justice Fitzgerald.—All that he can have a right to is to have his buildings kept in repair; and that cannot be ascertained by what it cost to repair them before 1855.

Mr. Walker, q.c.—It would require more in 1857.

10909. Lord Justice Fitzgerald.—Probably, and, therefore, I think we may pass this point, and you may send us particulars of what you claim as the fair average amount it takes now to keep your buildings in repair, or you may take the year just gone, ending in 1857. I don't think there is any difference of principle between us.

Mr. Walker, q.c.—I think not, but at present the full amount of the rents was not included.

10910. Lord Justice Fitzgerald.—It was, I assure you; however the divergence has arisen—it was not through leaving out the rent.

Mr. Walker, q.c.—Well, with the rent which is fixed at £72—the taxes which are variable, but considerable, and the insurance which is fixed, you have only to look at the figures to see that the repairs must come to more than £175.

10911. Lord Justice Fitzgerald.—Dr. Molloy notices one item which may account for the discrepancy. In 1852 the Commissioners laid out £569 12s. 6d. on the Armagh buildings, if that was for new buildings or improvements, it ought not to come into the average cost of maintenance; but this is a mere matter of arithmetic, and if you give us the mode by which you have calculated your claim we will look into the Commissioners' reports and see if we can fix it fairly.

Mr. Walker, q.c.—My next objection has reference

to the provision, that the Commissioners shall pay to Dr. Morgan the salary of an assistant master so long as the Inspector appointed by the Lord Lieutenant shall report that the services of such master are required. That would interfere with the status of Dr. Moore Morgan and the assistant masters as between themselves. I suggest that the clause should read—"so long as he shall certify to the Inspector appointed by the Lord Lieutenant that the services of such master are required." Otherwise the clause would put him in a different position as regards the assistant master to that in which he was before.

10912. Lord Justice Fitzgerald.—I think not. The Commissioners have always held themselves, as far as we can see from the evidence, at liberty to refuse to pay an assistant master when the number of pupils fell below a certain figure. They struck off one assistant's salary in Enniskillen a short time ago.

Mr. Walker, q.c.—That is contrary to Dr. Morgan's experience.

10913. Rev. Dr. Monaghan.—Would you hold that, if the number of pupils fell down to three, there should be £120 a year paid to the assistant master?

Mr. Walker, q.c.—Most decidedly, if you don't want to interfere with Dr. Morgan's status.

10914. Lord Justice Fitzgerald.—His present status is to have an assistant if he is wanted.

Mr. Walker, q.c.—The Act says he shall have an assistant.

10915. Lord Justice Fitzgerald.—It does not bind the Commissioners to pay an assistant unless they think his services necessary.

Mr. Walker, q.c.—The number might fall to three in one year and be up to 100 in the next.

10916. Lord Justice Fitzgerald.—And if so they ought to give him an assistant, but he has no vested right to have an assistant except while the school is efficient.

Mr. Walker, q.c.—I think he has. So long as the school has been in existence the Commissioners have given £150 a year for an assistant master, and that continued up to August, 1855, when this Act passed. The status quo then was that there should be an assistant master.

10917. Lord Justice Fitzgerald.—Under what Act do you claim that Dr. Morgan, irrespective of the requirements of the school, is entitled to have an assistant master?

Mr. Walker, q.c.—Under the Act 53 George III. It has been the practice. I admit that £150 is a sum arrived at by practice. The appointment is under section 18, which declares "that the under master or masters, if any, who shall be endowed at any of the schools, shall be appointed by the head master with the approbation of the persons in whom the appointment of the head master is vested." Section 13 provides "if it shall appear to the Commissioners that one or more under master or under masters are necessary for any school, it shall be lawful for the Commissioners to order that such other share of the fees and profits as they shall think proper, shall be applied to the sole use and benefit of such under master or under masters."

10918. Lord Justice Fitzgerald.—But that is precluded by the condition, "if it shall appear to the said Commissioners that one or more under master or under masters are necessary." Therefore, if it continues to appear necessary to the Inspector appointed by the Lord Lieutenant, he will be entitled to it still.

Mr. Walker, q.c.—Where is the Inspector of the Lord Lieutenant mentioned in any preceding Act of Parliament?

10919. Lord Justice Fitzgerald.—We must substitute somebody for the late Commissioners.

Mr. Walker, q.c.—We object to the Inspector; he must be an individual and may act under the local board, or there may be various influences at work; he might end in great injustice.

10920. Lord Justice NAISH.—Still, must not the appointment of an assistant master depend on the requirements of the school?

Mr. Walker, q.c.—When Dr. Morgan went there, there were two boarders, and the assistant master was paid all the same, and had been paid for years before.

10921. Lord Justice NAISH.—As long as there were only two scholars in the school, I think it was rather a misapplication of the funds.

Lord Justice FRYGROUSE.—We don't desire to perpetuate that kind of thing. What would you say to making the allowance subject to the approval of the Commissioners?

Mr. Walker, q.c.—Surely the master ought to have a voice in this matter! He has the appointment.

10922. Lord Justice NAISH.—It was not intended that he should have a voice. We could not give him a power of overruling the Commissioners.

Mr. Walker, q.c.—Is he to appoint the master and not to have the power of removing him?

10923. Lord Justice FRYGROUSE.—The scheme provides for the payment so long as the master shall be engaged by him. It might be said that they only applied to the master.

Lord Justice NAISH.—We must have something to guard against such a state of things as an assistant master being kept on and paid when there is no necessity for him.

Mr. Walker, q.c.—The scheme leaves the dismissal of the master, in effect, to the Inspector. That is not in any Act of Parliament.

10924. Lord Justice FRYGROUSE.—We must have some guarantee that the services are efficiently rendered. I am not supposing that such a thing would occur in Dr. Moore Morgan's case, but we have the case of one endowed school where a man of sixty years of age was retained as an assistant master, in order to draw £50 a year.

Mr. Walker, q.c.—But supposing the head master is efficient and honest, who would be a more proper person to certify the necessity for an assistant master? Is the Inspector to come in over his head and say—"You don't want an assistant master," "he is not efficient," or, "he is not required"?

10925. Lord Justice NAISH.—What would you say to leaving the matter to be decided by the Commissioners, giving Dr. Morgan power to appear before them?

Mr. Walker, q.c.—I would like to know who the new body were first.

10926. Lord Justice NAISH.—You don't wish to be put under the new board?

Mr. Walker, q.c.—Of course we don't. That is the reason I put into the clause the words—"the Commissioners shall, notwithstanding anything in this scheme contained."

10927. Lord Justice NAISH.—If Dr. Morgan does not want to come under the Local Board, I don't see why we should put the assistant master under them.

Mr. Walker, q.c.—You are giving him the appointment of the assistant master, but the anomaly is that an Inspector can report that the master ought to be dismissed.

10928. Rev. Dr. MORRIS.—It is proposed to leave that power with the Commissioners, and they have it at present.

Mr. Walker, q.c.—A different body altogether.

10929. Lord Justice FRYGROUSE.—Surely we must reconstitute the Commissioners; we are not to preserve the old body merely to say whether you shall have an assistant master or not?

Mr. Stanley.—I appear for Mr. Gordon, the assistant master, and I would refer to the 18th section of 34th George III, which provides—"that the master or masters, if any, under this Act endowed, shall be appointed by the head master, with the approval of the several persons in whom the appointment of the head master is vested," and by the 10th section

of the same Act provision is made for the cancellation of the appointment of the assistant masters; for Mr. Gordon, I intend to maintain that his appointment is, practically, one during good behaviour, and that neither the head master nor any other person, without first having an investigation before the Commissioners, has any right to dismiss him. The passage is as follows—"provided that in case of such misconduct of the master, under master, or usher of any school, being reported to the said Commissioners, as they shall be of opinion ought to subject him to deprivation, they shall not proceed to such deprivation until they have cited the said master, under master, or usher to appear before them, and given notice to the trustee or trustees of the school or foundation to which such master or usher shall belong, and inquired into his misconduct."

10930. Lord Justice FRYGROUSE.—We have got evidence, I don't know whether it applies to Mr. Gordon or not, that the Commissioners have given grants to the head master for the purpose of aiding in paying the assistant masters, but that they have not modified with their appointment or removal.

Mr. Stanley.—That may be as a matter of convenience, but under the Act of Parliament the Commissioners must pay the assistant master, and if they think fit to endow him.

10931. Lord Justice NAISH.—Was Mr. Gordon appointed under any written instrument of appointment?

Dr. Moore Morgan.—I appointed him by letter.

10932. Lord Justice NAISH.—Did you get the sanction of the Commissioners for his appointment?

Dr. Moore Morgan.—It is a long time ago and I cannot recollect.

Lord Justice NAISH.—It is necessary to know the terms upon which you appointed him.

10933. Lord Justice FRYGROUSE.—Who was his predecessor?

Mr. Stanley.—I was his predecessor and was paid by the Commissioners. If the Commissioners had not sanctioned his appointment they would not have any right to allocate him £150.

10934. Lord Justice FRYGROUSE.—We must look into how he is removable. What is called an "endowed" assistant master under that Act might have a right to come under the 18th section before he could be removed. Down to the present time in the evidence before us we have not a suggestion of any assistant master contending that he was not removable by the head master.

Mr. Walker, q.c.—We may shorten it in this way. I want to preserve the same right of dismissal, if it existed, as existed before.

10935. Lord Justice FRYGROUSE.—That ought to be done, but the only question now is how we are to find some independent authority to see whether he is an efficient master and required for the school. He was clearly at present under responsibility to the Commissioners on that point.

Mr. Walker, q.c.—I don't think so. The Commissioners would have the power of removing him only for misconduct.

Mr. Robert McDowell (Secretary to the Commissioners of Education in Ireland).—There is certain to be some document in reference to the appointment and I will find it. I think it will be found that in all these cases the appointment is confirmed by the Lord Lieutenant before it comes to the Commissioners at all.

10936. Lord Justice FRYGROUSE.—If so you can put an end to the whole matter by producing the minute, but no assistant master who has as yet appeared before us suggested that he had any appointment from the Lord Lieutenant.

Rev. Dr. MORRIS.—Also get the minute of the Commissioners approving of the appointment.

Mr. McDowell.—Certainly.

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Rev. Dr. Steele.—The first assistant was always appointed by the Lord Lieutenant.

Mr. Walker, q.c.—Dr. Steele was appointed by the Lord Lieutenant. 53rd Geo. III., sec. 13, requires for the assistant master "the approbation of the person in whom the appointment of the head master is vested." Dr. Morgan was appointed by the Primate.

Dr. Moore Morgan.—And I had the Archbishop of Armagh's approval of the appointment of Mr. Gordon.

Mr. Walker, q.c.—Under clause 36 of the scheme each master and assistant master is to be appointed by the Local Board. I want to control that.

Lord Justice Fitzgerald.—But the Armagh assistant master is not to come under the control of the Local Board during Dr. Morgan's tenure of office. It is part of his vested right not to be put under the new Local Board.

10937. Lord Justice NASH.—Supposing the assistant master vacated office—are we to give to Dr. Moore Morgan unlimited power to appoint assistant masters—even when the school does not want one?

Mr. Walker, q.c.—He has the power of appointment, otherwise you alter his status. The application of income for them is regulated by another section. Perhaps the Commissioners on withheld the salary.

10938. Lord Justice NASH.—If there were only three or four pupils would it be right to appoint an assistant master?

Mr. Walker, q.c.—The same observation would apply to Dr. Morgan himself; taking away his power of appointing his assistant would be a complete alteration in his status.

10939. Lord Justice Fitzgerald.—We understand your contention. What is your next point?

Mr. Walker, q.c.—Clause 50, relating to the Inspector appointed by the Lord Lieutenant, puts a power of dismissal over Dr. Morgan which does not exist at present.

10940. Lord Justice Fitzgerald.—Does it not exist at present?

Mr. Walker, q.c.—No, except in the case of a breach of good behaviour. I claim to preserve his tenure during good behaviour.

10941. Lord Justice Fitzgerald.—What is this title to a permanent fixed salary? At page 87 of the report of 1867 you will find an instance of reducing the salary by the Commissioners, owing to the inefficiency of the school at the time.

Mr. Walker, q.c.—I am taking the present salary as a vested interest, and you cannot assume that it would be reduced.

10942. Lord Justice Fitzgerald.—We will carefully consider whether he is not entitled to hold his office during good behaviour, but is it in the power of the Commissioners to change the salary?

Mr. Walker, q.c.—Certainly not. If you give the power to interfere with the salary of an old officer I maintain you will do that which you have no power to do. I claim that his vested interest must be saved or compensated for. You are saving him and must leave him as you found him without altering his position. You don't save him if you entail upon him the possibility of his salary being taken away. I claim to put him, when he retires, on the same footing as those who are now compulsorily retired. And that brings us to the consideration of the elements upon which compensation is to be estimated.

10943. Lord Justice NASH.—The scheme does not give any compulsory power to the Commissioners to force the retirement of Dr. Morgan, but it enables him to retire under certain terms. That is his own act. At present if he chose to retire he would be entitled to no pension whatever, and one of the objects of giving him one is that circumstances might arise in which it would be for the interest of the school that he should retire.

Mr. Walker.—It would be unjust not to leave it as it is. You are purchasing Dr. Morgan's rights for thirty years' service.

10944. Lord Justice NASH.—It is very often a great advantage both to the public service and to an institution of this kind that a man should retire.

Mr. Walker, q.c.—I want nothing better than that his vested interests should be saved. If Dr. Moore Morgan comes under this scheme nobody who has any common sense can fail to see that he will not have the same class of school as before; he will not have the same fees from pupils—he will not have pupils paying sixty guineas a year—

10945. Lord Justice Fitzgerald.—Why not?

Mr. Walker, q.c.—Does your lordship imagine that under this scheme Dr. Morgan will get people to give him sixty guineas?

10946. Lord Justice Fitzgerald.—Why not, if he would get such fees otherwise? If we preserve his position, it depends on himself whether he will conduct the schools so as to draw pupils. I don't see how this scheme can affect him.

Rev. Dr. Moore.—The only disadvantage to him is that the other endowments may be made more efficient than they have hitherto been.

Mr. Walker, q.c.—It will raise up five competitors. Lord Justice Fitzgerald.—He has no vested interest in keeping other competitors down.

10947. Lord Justice NASH.—We say it is better for the interests of the school that his interest should be saved rather than compensated for, and if we do that, how do we put him in a worse position?

Lord Justice Fitzgerald.—We can put into the scheme a clause that it shall not take effect at all with respect to Armagh School Endowment so long as Dr. Moore Morgan holds his present place. That would completely save his vested interest, and he would have no claim whatsoever to compensation, but if he broke down in health, or for any other reason was no longer able to continue in office, he must walk out without one farthing of compensation or retiring allowance, and this compensation clause would have to disappear.

Mr. Walker, q.c.—I know that, but that is not what you are doing.

10948. Lord Justice Fitzgerald.—In what respect have we not done so? Up to the present all your amendments have been in the direction of preserving his position exactly as it is, and if you insist on carrying out that principle, as he has no vested right to any retiring allowance, we should strike it out. If we give him a retiring allowance, we have the right to require a surrender of some of his rights in return.

Mr. Walker, q.c.—Will you preserve the scholarship given to the school?

Lord Justice Fitzgerald.—There is no money to pay them.

Mr. Walker, q.c.—I am aware that you cannot make the money of others pay for them, but you take them away by the scheme.

10949. Lord Justice Fitzgerald.—You have no right to them, for we cannot pay Royal scholarships in Armagh out of the funds of any other estate.

Mr. Walker, q.c.—I understand that, but clause 54 continues them only so long as there shall be pupils in the school who, having been there at the date of the Act, would have been entitled to compete for the scholarships under the same regulations as were in force in 1867. After that date you take away the Royal scholarships, and alter the conditions existing about the funds.

10950. Lord Justice NASH.—On these points we shall consider if we can alter the scheme, and if you are dissatisfied with the conclusion we arrive at, you can go to the Privy Council.

Lord Justice Fitzgerald.—We can at once state that the school shall go on as at present as long as Dr. Morgan holds office, and the effect will be to stop one exhibition at once, for the deficit last year was £40, and the amount spent on exhibitions was £385. It is for you to say whether you will retain your existing status with no prospect of a retiring allowance.

But if you wish for a retiring allowance, it is not unreasonable for us to lay down some conditions.

Mr. Walker, q.c.—Dr. Morgan is more capable of estimating that than I am. He will give you an answer before the Commission closes. All Dr. Morgan wants is to preserve his vested rights, and when we see how far the amendments I have proposed are carried out, we shall know our position.

10931. Lord Justice NAUGHTON.—We shall be very glad if you will send all your proposed amendments to us in writing.

Mr. Walker, q.c.—Certainly. I have altered the scheme in red ink, in accordance with our contentions.

10932. Lord Justice NAUGHTON.—You will remember that if Dr. Moore Morgan was to go on exactly in the same position as he is in at present, he would not be entitled to a retiring allowance.

Mr. Walker, q.c.—I know that, but he expects to live a long time.

Mr. Roche, q.c.—We consider it advisable that a retiring allowance shall be provided for Dr. Morgan at any time after the date of this scheme that he would wish to retire.

10933. Lord Justice NAUGHTON.—You would wish to tempt him to retire?

Mr. Roche, q.c.—Yes. Let Dr. Morgan have the right to retire at any time upon an allowance provided as prescribed by the 16th section. Though he does not ask for it, we think it would be reasonable.

10934. Lord Justice NAUGHTON.—You think it would be of advantage to the endowment?

Mr. Roche, q.c.—Yes, and we suggest it upon that ground. As the scheme is now, these sections may develop the existing state of things for at least fifty years, or until other changes happen. And, therefore, we suggest that we should have the right to retire at any time upon the scale of pensions provided by the section. Upon the 16th section, sub-section 3, I understand Mr. Walker takes exception to this sum of £178.

10935. Lord Justice NAUGHTON.—That is a matter of figures.

Mr. Roche, q.c.—The Commissioners shall also pay to the said Rev. William Moore Morgan, LL.D., an annual salary of £400, being the annual salary payable to him out of the Armagh Royal School Endowment at the date of the passing of the Act, such salary to be paid in the same manner. The £178 appears to be provided for rent, rates, and taxes, but who is to expend it? There is nothing to ensure that this large sum shall be properly applied. We think a clause should be introduced to secure the due application of the money.

Mr. Walker, q.c.—I have no objection; it would save us some trouble.

Mr. Roche, q.c.—It ought to be expressed that the application of the money shall be secured by the Commissioners. As to all other matter which Mr. Walker opened, the 13th section confers upon the Commissioners the power of appointing the assistant master, and when appointed he must, of course, hold his office during such time as the requirements of the school demand it.

10936. Lord Justice NAUGHTON.—Under the 13th section he would not be deprived except for misconduct, in which case he would have an opportunity of showing cause.

Mr. Roche, q.c.—But that is in case of misconduct; but I apprehend that an appointment is to be made by them only if they think fit; it is certainly not a permanent appointment; it is merely a temporary appointment, and the exigencies of the school must be held to regulate the matter. If the school falls to such numbers that there is no need of an assistant master, there is no section to compel the Commissioners to continue to pay a man whose services are unnecessary.

10937. Sergeant Corry.—There are five head

masters in the same position. I appear for \*Rev. Dr. Steele, head master of Enniskillen, to sustain an objection which is concisely this—that the scheme neither saves nor makes compensation for his vested interests. It omits any compensation whatever for a number of items of the endowment, of which the scheme is now about to divest him. I am not going to enter into any details. I have simply to put before you the several elements for which we claim compensation, and to submit the principle upon which the compensation is to be awarded. The interest which is now being divested is by the original statute of 53rd Geo. III. a primary charge upon the endowment, and, by the 48th & 49th Victoria, must be either saved or compensated for. But at the outset I would be doing less than my duty if I didn't refute and correct in the most decided terms the very inaccurate observations made by Mr. Atkinson—the unfounded statement fairly and impartially corrected by one of your lordships, and which imputed the existing state of things in Persons to neglect on the part of Dr. Steele. I give the most decided repudiation by the records of the Education Commissioners during the long interval of time from 1837 to 1880, where the figures show a continuous progress in efficiency during the whole time. I can hardly conceive anything more unjust than to take the critical period when the Act was about to pass, from 1880, when everybody must know that the explanation of the decline of the school was the feeling of uncertainty as to whether the attractions and advantages which these schools once possessed would be maintained. Dr. Steele is a man pre-eminently for efficiency and high character during that long period. The questions I have to deal with are the principle and the elements of compensation. The Commission has required information in the terms of an official letter of July 10, 1888. It has been complied with, and I will give each item. Before I do so, I may mention that Dr. Steele was appointed by Royal warrant under the seal of the Lord Lieutenant of Ireland in the year 1857. He is, therefore, over thirty years in discharge of his duties. That warrant grants him the office “during his good behaviour,” with all the emoluments thereto belonging. The Act of 48 & 49 Victoria, section 11, declares that the Commissioners shall save or make due compensation for the vested interests of individuals holding any office or emolument arising out of the endowment at the date of the passing of the Act. That statute uses the word “emolument” in its most comprehensive sense, and it is a term which excludes the idea that the amount of the stipend could alone satisfy it. Now compare these terms with those of the 16th section of the scheme to which we object. The services of the head masters of the Royal Schools of Dungannon, Enniskillen, Carrick, and Rathfriland shall be discontinued, but each of the said head masters shall be entitled to receive, during his life, a retiring annuity equal in amount to the annual salary to which he was entitled out of the Royal School Endowment at the date of the passing of this Act. Then one uniform scale or element of compensation is adopted for all the schools, whereas the emoluments of each must differ from the other—in other words the sole criterion for compensation is the annual stipend. But that most plausibly does not satisfy the word “emoluments,” and you have inferentially excluded every other emolument. There is now to the credit of the Enniskillen School a sum of £26,350, and there are also the school buildings and premises, which under sec. 50 are to be regarded as part of the endowments of the district, and from the date at which the services of the head master are discontinued, the premises or the value or produce thereof, are reserved in each case, exclusively for the educational benefit of the district, and treated as belonging in equal shares to the two local boards. We therefore have these schools, including the residence for the master, handed over to the district boards to be divided between them. Therefore, a most substantial element of emolument, a personal residence,

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with all the advantages of the schools, and all the accommodation of the dormitories and so forth, are handed over to another body. In the requisition I have read the period fixed upon was five years up to 1885, you have included the three years from October, 1885, when the Act began to operate up to the present time. Is that a fair criterion of what you are to assume as at the date of the Act? I ask in point of time is it not the position of the master at the passing of the Act that we are to take? You cannot fairly take three years during which there manifestly must be a decline in anticipation of a scheme which everybody knew perfectly well was about to come into force.

10058. Lord Justice Fitzgerald.—As a matter of fact the day boys at Enniskillen are now one-half more than they were at the beginning of that period, so what you call the period of decline has really been a period of advance. At the passing of the Act there were twenty day pupils in Portora—at present there are thirty-five.

Mr. Sergeant Campbell.—Of course the number will fluctuate. If you go further back, during the period when Dr. Steele was head master, you will find the number 121, and up to a particular period he had never less than sixty or seventy. Therefore to take a particular year won't do, we must take the average some way for the purpose of ascertaining the compensation. Section 11 of your Act states that you shall make due compensation for vested interests of individuals holding any office at the date of the passing of the Act.

10059. Lord Justice Fitzgerald.—On the construction of the Act, as we have understood it up to the present, we must make compensation for the emoluments of any office existing at the passing of the Act which are interfered with by a scheme, but the compensation is to be calculated with reference to the value of the office, not at the date of the passing of the Act, which is immaterial, but at the date when the scheme affects it. If we deprived a man of an office which was much more profitable now than it was in 1885, we could not put him off with compensation for the value of his place as it appeared in 1885.

Lord Justice NASH.—We must take into account the possibility of the thing becoming better, and also the possibility of the thing becoming worse. We are not to take its actual value at any one particular time and say we are bound to act according to that.

Sergeant Campbell.—I am not going to ask you to do that, on the contrary I ask you to take an average of several years. You have yourselves sanctioned taking the average of five years to 1885.

10060. Lord Justice Fitzgerald.—Pardon me, we asked information as to that period as we thought it would be some evidence of the value of Dr. Steele's place, but it is only fair to tell you, in case you thought we were picking out this period for some reason, that we had the figures as to the previous periods in like books already, and we asked as to this period only to bring down the information to the present time.

Sergeant Campbell.—But I press upon you that where it was manifest that the extinction of his office was as certain the day the Act passed as it is now, the period of the retirement should not be taken. From the time the Act was first mentioned in the House of Commons in 1881 or 1882 it was inevitable that there should be a decline in the schools.

10061. Lord Justice Fitzgerald.—We do not say that any particular period should fix the value of Dr. Steele's position. We ask you to tell us what you claim more than the £200 a year retiring annuity which you get under the scheme.

Sergeant Campbell.—Yes, but I say you have included the only three bad years.

10062. Lord Justice Fitzgerald.—I assure you we include no years. We asked you for information which we hadn't got, as to Dr. Steele's emoluments,

but you say take it that our requisition was only for information.

Sergeant Campbell.—You ask me what terms I will take? I will tell you. I say the fair average to take would be seven years up to the passing of the Act, for the purpose of ascertaining the annual emoluments of the office which you are now about to direct—

10063. Lord Justice Fitzgerald.—But the question is what was the probable value of the office in the future?

Sergeant Campbell.—Surely you must have some data to go upon. You should take a fair average, and I submit, you should take it up to what the Act of Parliament says is the *terminus a quo*—the time of the passing of the Act—to find what his position was.

10064. Lord Justice NASH.—Then are we not to take into account the fact, if we found it to exist, of the school's being declining, or the probability that it never could be reconstituted. If we found Dr. Steele unlikely to derive any further profit out of the school, should we compensate him on the basis of profits previously made?

Sergeant Campbell.—The only thing I know is the position of each of these gentlemen on the day the Act passed.

10065. Lord Justice Fitzgerald.—On the paper before me Dr. Steele returns £240 as his net profit at the passing of the Act, while he returns it as now £375.

Sergeant Campbell.—Yes, but I object to taking any particular years at all, or taking two years and comparing one with the other. A fair way is to take an average. From a variety of causes there must be fluctuation. You must take an average of that, otherwise it would be too much in one case and too little in another.

10066. Lord Justice Fitzgerald.—We are, I fear, on different lines. You are discussing a different matter from that which we are considering. Dr. Steele is going to remain a schoolmaster or he is not. If he remains on, he will receive whatever fees he can earn, but if he is obliged to retire, we must give him due compensation, but not for the emoluments which he may have got before the passing of the Act, but for what he would be likely to get if he remained in office for the rest of his life.

Sergeant Campbell.—You cannot parade the prospect of a man's retirement without harm being done. The Act made a fundamental change in these schools, and while he had the extinction of his office certain; he had the prospects of the school so uncertain that it must lead to the decline of the institution. I submit that the fair way would be to take the average of five or seven years, up to the passing of the Act which is the *terminus a quo*, and I will now come to the items.

10067. Rev. Dr. MOLLOY.—I think what you really object to is the second line of clause 32, which says that the services of the head master shall be discontinued.

Sergeant Campbell.—Yes.

10068. Rev. Dr. MOLLOY.—We propose to discontinue his services, and to give him his full salary as a retiring allowance. You propose that his services shall be continued, and that he shall continue to enjoy all the emoluments which he at present enjoys. Will you address your argument to the point that he is entitled that his services should be still continued?

Sergeant Campbell.—On the contrary, for the purposes of my argument, I treat it that he is now *de facto* discontinued. I am on the subject of compensation, and my argument is based on the fact that he is being discontinued.

10069. Rev. Dr. MOLLOY.—But his services are not discontinued until the scheme comes into operation.

Sergeant Campbell.—But he will be then.

10370. Rev. Dr. Motter.—Then you consent to his being discontinued?

Sergeant Cuspin.—Yes, that is the whole basis of my argument. At this moment he is, practically speaking, not head master, and you have discontinued his services. I ask you, have his interests been saved or compensated for? Saved they have not been, because he is discontinued, and consequently retired, being perfectly efficient at this moment to continue his duty, and willing to do it. Taking his emoluments in the order in which they have been returned, the salary of £500 a year is, of course, No. 1, and I say no more upon it. No. 2 is the free use of the head master's residence connected with the school buildings, and the grounds attached to such residence, the buildings to be at all times kept in proper repair, free of all expense to him, and all rents, taxes, and insurances being also paid for him. Could it be extended for one moment that these interests are not most substantial? He has not only a personal residence, which, if now turned adrift, he would have serious expenditure in replacing, but he has it free of rent, taxes, insurance, and cost of repairs.

10371. Lord Justice FRYGEMAN.—As a matter of fact, does not Dr. Steele at present reside away from the village?

Sergeant Cuspin.—Yes, he does. But when did that occur? When did he leave it? After the passing of the Act, when there ceased to be boarders, he was promoted to a living in the neighbourhood, and he and his family then went to reside there when there were no longer boarders coming to the school.

10372. Lord Justice FRYGEMAN.—How can we pay compensation, as for a personal loss, and allow the full value for a residence in which Dr. Steele is not living. He is living, as a rector, in the glebe-house of a parish, three miles off, where he has different duties and different emoluments. Look at it as a matter of common sense.

Sergeant Cuspin.—I am not going into amount.

10373. Lord Justice FRYGEMAN.—But really amount is the only thing we have to go into at present. I have got here your own claim, and the time for free residence, school buildings, and land, £400, and for repairs, rates, taxes, and insurances, £150. You have even added those together, that is to say, you demand that we are both to keep the house for you, and to pay the rent, taxes, and insurances for you, and after doing that we are also to pay you the amount of the rent, taxes, and insurances over again!

Sergeant Cuspin.—I think it is a fair answer that the amount is not to be judged by what it was when boarders ceased in the last three years, after the passing of the Act and when on being appointed rector of a neighbouring parish he got another residence. The amount is to be estimated on what he had at the date of the passing of the Act when he had a house free and a school in full working order with all the advantages of the £500 paid to teachers, and of a fully going and working concern. If that is the criterion, what becomes of the question of a gentleman who when he finds that there are no pupils resident there goes with his wife and family some few miles away to live, because he happens to be an officiating clergyman in the neighbourhood? Dr. Steele if he was not discontinued—if the school was resumed in anything like its former proportions again—of course would live there, and, therefore, I ask you to attach no weight whatever to that. There is a dormitory which could be completed in a fit and proper way for the accommodation of no less than fifty boarders in a fortnight if the demand for such accommodation returned.

10374. Lord Justice FRYGEMAN.—Do you really expect that parents would send their boys to occupy the dormitory of a school where the head master is resident several miles off?

Sergeant Cuspin.—I don't suppose that parents would send their boys to such a school at all since it

went through such a change in the organization as this has done. Therefore, that won't be a criterion at all. We have only to look to the numbers, which we will trace consecutively backwards from the time the Act passed.

10375. Rev. Dr. Motter.—Do you propose that the public buildings of the school are to be kept as a residence for a head master who does not reside?

Sergeant Cuspin.—Certainly not. If you could suppose such a state of things as that there were boarders there to-morrow, he would be bound to return. It is because during the present intervening period there is no necessity for his being there, that he is absent. I say it is the fault of the boarders. He would be there to supervise them if they were there. The gentleman who occupied that position from 1837 was not likely to desert the place in that way, unless there was a cause, and that cause was the absence of gentlemen's sons committed to his charge. It was not likely that a man would do that who spent more than £4,000 on the buildings of which all the advantage is to be transferred to the Board, who will have control over that property. Whether you will allow anything for it or not, you have the fact in evidence that he laid out £4,000 for which he was not compensated, simply because it was not authorized by law, and, therefore, it could not be allowed. I merely put that before you—in answer to an observation which fell from one of my learned friends—that a man was not likely to desert the house that he spent that amount on out of his own money. He has only done so temporarily. The personal residence is calculated at £250. Supposing he had the school—as a going concern in full working order—what would that be worth? He leaves a personal residence on which all this money has been spent, kept in repair out of a public fund, tax free, rent free, and so forth, and also the buildings which are pre-eminently suitable for the scholars whenever they are there. I don't want to trouble your lordships with items or amounts. I pass them over.

10376. Lord Justice FRYGEMAN.—How can we pass them over when you ask us to give you money for them?

Sergeant Cuspin.—The buildings £250, and repairs, rates, and insurances, £150. That is £400 for the buildings alone.

10377. Lord Justice FRYGEMAN.—Do you seriously ask us to give compensation out of public money to Dr. Steele on the basis that a residence he is not living in, from which he has removed his furniture, and to which he says in his evidence he has no intention of returning, is worth £400 a year?

Lord Justice NASH.—That we should give him £400 a year?

Sergeant Cuspin.—I am rather new upon the principle, the actual amount will be a matter for the Commission.

10378. Lord Justice FRYGEMAN.—Then, on principle, how can we give him anything for the loss of a residence he is not occupying?

Sergeant Cuspin.—You cannot conceive that that will continue.

10379. Lord Justice FRYGEMAN.—But he was asked whether there was any prospect of the school reviving, and he said not, quite the reverse.

Sergeant Cuspin.—You cannot conceive that Dr. Steele has abandoned his residence. Is there any evidence of that?

10380. Lord Justice FRYGEMAN.—The evidence is that he has gone to live in the rectory of his parish. Is there any evidence of an intention on his part to abandon his rectory?

Sergeant Cuspin.—The accident of his residing with his family elsewhere is due to the absence of boarders. Supposing the school went on uninterruptedly for forty or fifty years, is it not morally certain that he would live there, and must live there?

10381. Rev. Dr. Motter.—Is it evident, if your

claim is in stand, that we should have no alternative but to let him stay there and carry on the school. Your claim is for £1,913 a year, which is more than the whole endowment. Therefore, if you establish your claim, the only way we can meet you is to say "stay in the school and go on teaching there."

**Sergeant Compson.**—We could not give the items in any other way, they may be more or less.

**10982. Lord Justice Fitzgerald.**—They could hardly be more, sergeant.

**Sergeant Compson.**—We were bound to give them, and I am not going into amounts at present. All I say is this, there is the residence and the school with all its advantages in full working order, and if that man thought proper to be a schoolmaster all the remainder of his days, and to set up another school, he would have to provide every one of these facilities of which he is free at present.

**10983. Lord Justice Fitzgerald.**—Isn't he at the present moment holding another office and living in another house?

**Sergeant Compson.**—I am not prepared to ask you to put any fancy price upon anything, but Dr. Steele, as I am instructed, will give the court every evidence to verify what he says.

**10984. Lord Justice NAHEM.**—What we have to ascertain is the value of the office that Dr. Steele will be deprived of under the Act. I don't think that salary is the only test of that. A schoolmaster might have no salary and might derive very large profits from the school, and what struck me, after seeing the school and hearing the evidence in Bonickhill, was that, independent of this Act, before this Act was thought of, in 1880—that school had run down from bad to worse, and was so run down that no profit could be made outside the salary of the head master, and I think that to make out that he is deprived of an office worth £2,000 a year is perfectly preposterous.

**Sergeant Compson.**—I think, if I may say so with great respect, I have only to read the figures which you have before you in the return to show you that that is not so.

**10985. Rev. Dr. MOLLOY.**—One of the figures shows that in the year 1883-1884—before the Act was passed—the total number of students on the roll was 36; and in the present year the total number of students on the roll is 36: so that you have rather benefited by the passing of the Act?

**Sergeant Compson.**—I think you are there counting the day boys?

**10986. Rev. Dr. MOLLOY.**—No; the boarders in 1883-1884 were 15, the day pupils 10; total on roll 25. In 1887-8 the total on roll is 36.

**Lord Justice Fitzgerald.**—We have got it on the evidence again and again that keeping boarding schools for small numbers is not profitable at all.

**Sergeant Compson.**—I know that, but it was plain that the pendency of the Act caused a decline in the school.

**10987. Rev. Dr. MOLLOY.**—The report of the Commissioners, page 7, for the year 1885, gives a return of the attendance in 1883-1884. Number on roll let February, 1884, boarders, 15; day pupils, 10; total, 25. These are the figures eighteen months before the Act passed. And now you have got 36, and yet you complain that the Act has ruined your school.

**Lord Justice Fitzgerald.**—Is there any endowment whatever to be derived from keeping ten boarders? Now, you have no boarders, and thirty-five are all day boys, on whom your claim states your expenditure to be only from £1 to 30s. per annum each, while the cost of the boarders is returned at £25 a year each. Therefore, let us not be going into imaginary causes—the time when your profits really disappeared was when the boarders fell from being a substantial number, and that was long before the passing of our Act.

**Sergeant Compson.**—But it is notorious that the year before the Act passed is precisely for all the pur-

poses of my argument the same as after the passing of the Act. Every one knew that an entire change was absolutely certain in the immediate future, and though the date might be uncertain, the fact of extinction was certain.

**10988. Lord Justice Fitzgerald.**—But if there was a general belief that a change was impending, it was founded on the condition of the schools and the reports of successive Commissioners, which showed that these schools could not go on as they were, and that long previous to our Act the process of decay was most marked.

**Sergeant Compson.**—If you expunge the figures for the five years before the Act passed, ending in 1884, 1885, you will see that the profits from the school, if you go back further, were very much higher; the number goes up to 181 going back from 1879.

**10989. Lord Justice NAHEM.**—Now, taking everything into consideration, what do you say is the retiring allowance that Dr. Steele is entitled to? It is strange that Dr. Steele should not be able to say what the figure is. Does he say that he is entitled to £1,900 a year?

**Sergeant Compson.**—I don't call it retiring allowance at all. I call it compensation.

**10990. Lord Justice NAHEM.**—Then what do you say your compensation ought to be?

**Sergeant Compson.**—Your lordship and I are speaking of two totally different things. When we speak of a retiring allowance it is usually upon the scale of the Civil Service superannuation.

**10991. Lord Justice NAHEM.**—They got only two-thirds of their present income after thirty or forty years' service.

**Sergeant Compson.**—We are dealing with compulsory retirement of which the true precedent is when an office is abolished it ought to be so.

**10992. Lord Justice Fitzgerald.**—We have his own memorial in 1880, in the report of Lord Howe's Commission, when he was more than eight years younger than he is now, applying for power to give retiring allowances to the head master. It appears to me that there is an alternative, either Dr. Steele wants compensation or he wants to retire on pension. If he wants compensation there must be two parties to the bargain, for we cannot compensate him at such an expense as would erode the endowment. If he wants a pension how much is he willing to take? In either case we must at least be at liberty to say we cannot afford to pay you off, and will let you keep what you have got until you can do duty no longer, and if you want a retiring allowance you must say what you think is fair?

**Sergeant Compson.**—Every word of what you have heard me state was only intended for a retiring allowance.

**10993. Lord Justice Fitzgerald.**—Very well. If Dr. Steele would have been satisfied to retire in 1880 why should he get a larger allowance now?

**Sergeant Compson.**—Is there no difference between a man obliged to retire whether he will or not and a man voluntarily retiring?

**10994. Lord Justice Fitzgerald.**—There is; but he is the same man who wanted to retire in 1880, and his "compensation" for retiring now ought therefore to be the same as the "pension" he wanted to get then.

**Sergeant Compson.**—But if a man says "I don't want to retire."

**10995. Lord Justice Fitzgerald.**—Does Dr. Steele say that?

**Sergeant Compson.**—My position is that I am able, efficient, and qualified, and I don't want to retire.

**10996. Lord Justice Fitzgerald.**—Very well. Then we may leave you as you are if we cannot arrange for your retirement on terms just to the endowment.

**Sergeant Compson.**—But if you force a compulsory retirement, as you have done, that is not like Dr. Steele's having an allowance out of a public fund and

saying, "I will take a retiring allowance and I will not go to a school elsewhere." If a man is able and willing to continue his duty as in this case you say—"wherever you want retire." Take, for instance, the Queen's College—how were they dealt with?

10967. Lord Justice FRANKLIN.—But we want to know, do you want to get a retiring allowance, or do you want to remain on as master of Portora? If you satisfy us that you really want to remain on as master of Portora we will consider whether it is right to have you there or not. If you want to go, we will give you a reasonable retiring allowance; but you must tell us even what you claim as reasonable.

Sergeant CAMPBELL.—This is a case of good will, and you are not compensating Dr. Steele even for what in fact he was in receipt of at the time your Act passed. In the case of the Queen's University, the officers were dismissed; their offices were abolished, and there is not an office connected with the Queen's University that does not at this moment receive his full pay. I call it compensation—I might multiply cases when Parliament thinks proper to change a certain organisation—by the strong arm of the law—and when they do the State pays the man—that is not a retiring allowance. The next item is the thirty-three acres of land, that has yielded up to £150 annually for grazing land. It is prime land, and the grazing has brought £150 a year to the master, and that is an emolument of his office held for life. That is an actual emolument of £150 a year acquired and earned simply by letting it for grazing. I then come to the profits from pupils. You have the analysis of the number of paying pupils, the fees paid, the non-paying pupils, and the net profit on fees. It begins with the year 1878-1879, and goes each year consecutively for seven years before the Act the net profits are 1, £1,120; 2, £1,130; 3, £1,090; 4, £800; 5, £515; 6, £506; and 7, 1884-1885, £470. For the three years subsequently to the passing of the Act they are £240, £317, and £275. Now, the result is, beginning with £1,120 and terminating with £275, that the pupils' fees are income directly arising out of the school and incident to Dr. Steele's position there.

Under the 33rd George III., after payment of the master's salaries any surplus is to be applied to scholarships and exhibitions in Trinity College. And there were attached to the Kenilworth school ten scholarships or exhibitions in Trinity College. Was not that an attraction and a means of inducing parents to send their children to the school? They were all valuable exhibitions, provided out of public money and from the beginning to the end we had these ten scholarships attached to the school and connected with Trinity College.

10998. Lord Justice FRANKLIN.—How long is it since they were all full?

Sergeant CAMPBELL.—I don't know.

10999. Lord Justice FRANKLIN.—If they are to be compensated for as an attraction the test of their value is to see how many pupils competed for them.

Sergeant CAMPBELL.—They were an attraction, at any rate, up to a certain point.

11000. Lord Justice FRANKLIN.—Only £30 was paid in 1887, and is there now a single exhibition from Portora?

Sergeant CAMPBELL.—I believe not. I can hardly conceive anything more calculated to give status, and character to a school than to have had connected with Trinity College ten valuable scholarships open to young men with small means. They were to each of them as the prestige of their life. Without them an ordinary school would be in a position quite the reverse. The income from the pupils' fees is lost, whatever average of years you take. Some of the teachers also are paid out of the public funds. Well, we have that school and it ceases for no other reason than by the strong arm of the legislature. Am I to set up another school and to endeavour to follow the same line? Where am I to get the same sort of

pupils? I am not getting the advantages inherent to the system to which I was attached. I cannot get the pupils, nor the paid teachers; and if I get a school I shall have to pay the rent, taxes, and repairs, and the teachers. That is my position—altered in the case of a man of advancing years who has to begin life over again? Are not those advantages substantially all emoluments within the very terms of the Act of Parliament? If so it is a matter of compensation as to how you take them. Now, there is another item which I don't want unduly to press but merely to mention—the results fees of the Intermediate examinations. I admit there is no actual connection between the Intermediate Education system and this or any other particular school, for they come up from all schools.

11001. Lord Justice FRANKLIN.—How much did he get from results fees?

Sergeant CAMPBELL.—It is put down on an average of five years at £50 a year.

11002. Lord Justice FRANKLIN.—In 1881, we can only find four boys who came up from the whole county Fermanagh.

Sergeant CAMPBELL.—At all events although contingent it was undoubtedly a profit.

11003. Rev. Dr. MOLLAT.—There is one consideration that I should like to suggest. The claim you put forward is so very large that all idea of making compensation on that basis is out of the question. If your claim were established the only thing we could do would be to save your vested interests; that is to leave you all your emoluments, and all your duties as well. You would still remain under the Commissioners of education; and perhaps they would reduce your salary to one-half, or one-third as they did in the case of Curran Royal School.

Sergeant CAMPBELL.—That is not our position and is not the basis on which I put my case forward.

11004. Rev. Dr. MOLLAT.—But if we leave you as you are—you are liable to have what has already occurred in another case, namely to have your salary reduced by the Commissioners?

Sergeant CAMPBELL.—But I take it for granted that we are not to be left the way we are. The whole basis of my argument is based on the assumption that we are obliged to retire.

11005. Rev. Dr. MOLLAT.—You ask us for compensation on a basis which makes compensation practically impossible; and therefore nothing remains for us but to save your interest.

Sergeant CAMPBELL.—You are not going to save our interests.

11006. Lord Justice FRANKLIN.—We certainly must and will save your interests, if the only alternative is an impossibility—that is, to compensate a claim to £1,930 out of a net income of £1,300.

Sergeant CAMPBELL.—I am instructed to put one more item before you, not probably so much as seeking compensation for it, that is the large sum spent by Dr. Steele on the premises. I admit it is not an emolument, but it is the strongest argument I could use in asking you for a liberal allowance for this gentleman on his retirement, or I should say, dismissal. It is in evidence before you that he laid out £4,000 for which he did not get one penny of compensation. I won't discuss it further. The thing was before the Commissioners and they dismissed it simply upon a point of law. That is it was a voluntary act, there was no legal obligation to pay him, and he only failed to get it by a very small majority. The value of the place has been improved with £4,000 out of his pocket, and you are giving to the District Board premises made valuable to the extent of £4,000 more than otherwise they would have been at the expense of Dr. Steele.

11007. Lord Justice FRANKLIN.—I am afraid that is an entire mistake. You will find large payments were made to him, first £1,669 9s. 7d., and then £970, and finally the Commission of 1879, finding that

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further expenditure had been vouched so reported, and I believe about £1,200 more has been paid since. The only sums left are either unvoiced, or were spent unprofitably, or on essential repairs.

Mr. Gorton, *q.c.*—The money paid was in full discharge of the claim.

11008. Lord Justice Fitzgerald.—Instead of being of any present value, Dr. Steele's buildings are now a source of embarrassment.

Sergeant Campion.—He got £1,500, but he didn't get what he sought.

Mr. Walker, *q.c.*—Will you let me call your attention to clause 63 of the scheme on behalf of Mr. Morgan? You contemplate the discontinuance of some of the head masters, and you create a compensation fund, and their annuities are charged primarily upon "the interest and principal of the compensation fund." Clause 55 says, that the Rev. William M. Morgan shall be entitled to £400, "being the annual salary payable to him out of the Armagh Royal School Endowment at the date of the passing of the Act, such salary to be paid in the same manner and out of the same funds as if this scheme had not passed;" but the first item in the fund of which the interest and principal is devoted to the payment of the other masters' annuities is a sum of £1,010 16s. 2d. stock, arising out of the Armagh endowment, which is primarily charged with Dr. Moore Morgan's salary.

11009. Lord Justice Fitzgerald.—I think, if you look at the accounts, you will see that you are the last person who should complain. Only £1,010 is even apparently contributed to the general fund from Armagh, while over £6,000 is contributed by Cavan, and a like sum by Enniskillen; but Armagh over £1,130 *Os. 3d.* cash, so really contributes £110 less than nothing.

Mr. Walker, *q.c.*—I would not complain, if I was going out, but I complain as a continuing person. While I continue I maintain that the first charge upon the fund is the income of the existing school-masters.

11010. Lord Justice Fitzgerald.—We can settle that by writing it off against what you owe.

11011. Rev. Dr. MURPHY.—The Armagh endowment is in debt £1,130 *Os. 3d.*

Mr. Gorton, *q.c.*—Sergeant Campion sat down without telling your lordships the amount he claimed, but I gather that he urges you to fix £1,000 a year. I submit that the only element which the Commission can take into account, is what they have taken by the scheme—namely his salary.

11012. Lord Justice Fitzgerald.—We did not take his salary into account. We don't regard salary as the only source of emolument which we are bound to take into consideration; but having regard to the condition of the school, his own age, and other engagements, and all the other circumstances, we named £600, the amount of his salary, as a reasonable sum.

Lord Justice NAIRN.—And we shall give Sergeant Campion's argument every consideration.

11013. Lord Justice Fitzgerald.—In the Curyfort case Archbishop Walsh can give us some information. I should state that the scheme as regards the Curyfort endowment was settled without our being able to get any assistance from the people of the locality. We went to look for the school, and found no school, but an old schoolmaster, since dead, who had no school roll, but wrote down a list of less than thirty names which seemed to include all the pupils he had had in modern times. We found nothing that could be regarded as a working school, and no one had visited the place since 1879. We wrote to several people in the neighbourhood, we tried to find out who was interested in the matter, and we got no practical assistance from anyone, except Mr. Littledale who owns land in the neighbourhood, and attended at our request on one occasion. Therefore, if your Grace can now make any suggestion it will be the first we have received for the utilisation of this endowment.

Archbishop Walsh.—The main principle of the scheme as it stands is to keep this endowment, which is a small one, in the immediate locality. It is proposed to break up the existing endowment of £30 or £40, and to distribute that over three or four National schools in the neighbourhood. It seems to me that it would be a pity to break up the endowments into these small fragments, if there is any possibility of keeping it together and utilising it in some substantial way. It cannot be kept together for any useful purpose at Curyfort, and to distribute it in the way proposed would be almost tantamount to throwing the money away.

11014. Lord Justice Fitzgerald.—Your Grace suggests a transfer of the endowment?

11015. Archbishop Walsh.—Yes, a transfer in one bulk sum. If that were done it could be made use of for the development of some practical industrial work. My view is that we should try to keep this small endowment together, and turn it to account for some definite purpose in the nature of industrial education. I find in the Report of Lord Kildare's Commission, vol. 3, page 328, that this endowment is available for Curyfort, or for "any other town in the diocese." You cannot make it useful if you leave it where it is, among the mountains. I would bring it down, say, to Arlow, and make it the nucleus of a fund for some industrial purpose, the starting of a fisheries school or something of that sort. I think there can be very little question as to the feasibility of transferring it in that way. But to do that effectively it may be necessary to deal with this fishery work as a new department in some existing school. The practical point is to turn the endowment to account in some one definite way. Your scheme applies the principle of transfer very freely in the case of the schools in Ulster. It seemed to me that the Commissioners looked upon the Curyfort school as standing on some different footing in this respect. Now, I would refer you to the table of endowments in the Report of the Commission of 1850. The endowment is there described as available for use in Curyfort, "or some other town in the diocese to be named by the Lord Lieutenant, with the assent of the Privy Council, and approbation of the Archbishop of the province, and bishop of the diocese." That puts it exactly on the same footing in this respect as the other Royal schools. The power of transfer, if it exists, is now vested in this Commission. In the Report, among the references, there is one to the statute 24 and 25 Charles II., c. 10. That evidently is the statute brought up by Mr. Curran.

11016. Lord Justice Fitzgerald.—That statute speaks of the schools "founded by your Majesty's Royal progenitors." Was not this Curyfort school founded by Charles II. himself?

Archbishop Walsh.—If I am not mistaken the statute names Curyfort as well as those in Ulster. At all events the statute of Charles II. covers it. It seems clear that there is power to transfer this endowment, just like the Ulster one, to any other place in the diocese. I merely wish to make the suggestion in a general way for the Commissioners to consider it—if it be possible, as I think it is, to do so within the terms of the original foundation.

11017. Lord Justice Fitzgerald.—Could your Grace suggest a way by which we could get the people in the immediate neighbourhood to let us know what their views are. We wrote to the clergyman of the parish, and to the parish priest, and except Mr. Littledale, those are the only people from whom we have been able to get any information.

Archbishop Walsh.—I don't think it would be possible to make any useful suggestion with regard to the selection of a place in that mountainous district; but if you considered it possible to transfer it to any where else, I think it likely that information could be had of a useful kind.

11018. Lord Justice FITZGERALD.—Arklow is in your Grace's diocese?

Archbishop WALSH.—It is.

11019. Lord Justice FITZGERALD.—Would it be too much to ask your Grace to send us some written suggestions which we might make the basis of action in the matter?

Archbishop WALSH.—I can communicate with the people in Arklow.

11020. Professor DOUGHERTY.—You do not wish the endowment to be applied to the maintenance of existing schools; but, if I understand your Grace's views accurately, rather to establish a school which would give some kind of technical instruction in connection with the fishing industries of Arklow?

Archbishop WALSH.—As an addition for a specific purpose to some school in Arklow. I think it would be thrown away if left in this district among the mountains.

11021. Lord Justice NASH.—Your Grace knows that the school in Carysfort was not in a very efficient state?

Archbishop WALSH.—I do, indeed. It seems to have been one of the worst cases.

11022. Lord Justice FITZGERALD.—The schoolmaster who was there last year is now dead, and the school is closed. But even when he was alive the Assistant Commissioners found the school practically of no use.

Archbishop WALSH.—The school has always been in an unsatisfactory state. Every Commission from 1791 down to the present time has had the same report to make, and the Commission of 1791 reported most adversely.

11023. Lord Justice FITZGERALD.—Nobody, save the persons sent by these Commissioners, has ever seen it.

Archbishop WALSH.—It was inspected by Lord Kildare's Commission in 1857. The report was most

unsatisfactory. But everything went on as before, and when Lord Rosse's Commission had it inspected in 1879, the Inspector reported that the state of instruction was "very unsatisfactory," and that the school had not been inspected since the visit of Lord Kildare's Inspector in 1857.

11024. Lord Justice FITZGERALD.—When Dr. Molloy and Professor Dougherty went to the school they found that nobody had been there since the time of Lord Rosse's Commission.

Archbishop WALSH.—I don't exactly know where it is, although it is in my diocese. I know the Macreddin school.

Lord Justice NASH.—It is near that school.

11025. Lord Justice FITZGERALD.—If your Grace would write to us on the subject, and put this proposal into a shape in which we could send a copy of it, with a communication to the people in the neighbourhood, and give public notice of what we think of doing, we should be very much obliged. We must look into the Acts of Parliament, and if it is mentioned with the other Royal schools we can deal with it.

Archbishop WALSH.—You will see a passage in the report of Lord Kildare's Commission, Vol. IV., page 50.

11026. Mr. DANE.—There is one matter which I wish to mention about the assistant masters. I appear for four of them, and I hold in my hand the original appointment of the Lord Lieutenant, the Duke of Abercorn—of the appointment of Mr. Valentine.

\* Baroness, 18th November, 1873.

\* Sir.—I am directed by His Grace the Lord Lieutenant to convey to you his approval of the appointment of Mr. Valentine.

\* (Signed) FRANK BERNARD,  
Private Secretary to the Lord Lieutenant.

The Commission adjourned to Tuesday, August 7.

## PUBLIC SITTING—TUESDAY, AUGUST 7, 1888.

At the Four Courts, Dublin.

Present.—The Right Hon. Lord Justice FITZGERALD, and the Right Hon. Lord Justice NASH, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., B.Sc., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, JUNR., was in attendance.

The same counsel and parties appeared as on the preceding days.

11027. Mr. BRADY, Q.C.—I appear for "Mr. William Prior Moore, and I submit that the scheme neither uses his rights nor provides him with proper compensation for the emoluments of which he is deprived. The first question that Mr. Moore raises is the jurisdiction of the Commissioners to revoke the letters patent under which he holds. He is in an exceptional position—none of the other schoolmasters hold under letters patent from the Crown. He holds under letters patent of 4th William IV., 1835, by which the late king granted him the office of master of the Free School of Cavan, "during our pleasure, the said office, with all lands, profits, stipends, fees, and emoluments thereunto belonging in as ample manner as said John Moore or any other person formerly held the same." The patent was duly enrolled on November 18, 1833. Therefore this serious question arises—whether the Act under which the Commission is now sitting would, without the consent of Mr. Prior Moore, enable the Commission to revoke those letters patent, and to displace this gentleman from his office. He has a freehold office, held during the pleasure of the Crown. An Act of Parliament may revoke a Royal Grant; but it does so by virtue of the Royal Assent, and I submit the Royal Grant cannot be revoked by implication.

11028. Lord Justice FITZGERALD.—Our Act, section 57, provides that on the passing of any scheme—"Every Act of Parliament and letters patent relating to the subject matter of the scheme, so far as inconsistent with the provisions thereof, shall be repealed and abrogated."

Mr. BRADY, Q.C.—But that would hardly justify your revoking letters patent under the Crown, granting a freehold of this nature. The object of the Act was to enable the Commission to frame schemes for schools, and in that way to vary Acts of Parliament, charters, and letters patent; but we submit that this Commission has no jurisdiction to deprive my client of his office. But assuming there is jurisdiction—

11029. Lord Justice FITZGERALD.—We should know what you argue. Are we to take it that you contend that we have no alternative but to save Mr. Moore's interest?

Mr. BRADY, Q.C.—Yes, unless with his consent. But, assuming that there is this jurisdiction, this Commission must either save Mr. Moore's rights and vested interests, or make due compensation for them, and the scheme proposes to give him only during his life the amount of the salary he has had. That, I submit, is not compensation for his vested

\* See Appendix B, No. LXXIII., p. 288.

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interests. He was appointed in October, 1835, at a nominal salary of £300 a year.—

11030. Lord Justice NAHE.—Is that mentioned in the patent?

Mr. Bealey, *q.c.*—It is not mentioned specifically, but in general words—"all stipends, fees, and emoluments," and so forth. The stipend payable at that time was £300 a year. In October, 1835, he was appointed at that stipend, but in the month of March following that was reduced by £140 a year. There is a mistake on that point into which Lord Justice FitzGibbon has fallen. He was under the impression that the salary was altered in 1848 or 1849, but Mr. Prior Moore informs me that the reduction was made immediately after his appointment.—

11031. Lord Justice FitzGibbon.—It was twice reduced, according to the evidence before us, first by £100, and a second time by £100 more.

Mr. Bealey, *q.c.*—I am wrong. It was altered first to £500 and then to £300 a year, and only for that short period, from October to March, he nominally enjoyed the £500. Therefore we have no complaint to make with regard to this salary. The average salary has been only £160 a year, and we can only claim that sum. But, in addition, Mr. Moore has a residence kept up free of expense under the provisions of the Act of George IV., under which the rent, taxes, and repairs are paid. That is valuable, quite independently of being a school, as a residence. There is attached to the school ten acres of good grazing land, worth £6 an acre, in itself worth £60 a year. The residence would be worth to him £100 a year, so that the value he puts on the school buildings and lands is £160 a year. In addition to this the rates, taxes, insurance, and repairs, average £70 a year. That is paid in addition.

11032. Lord Justice FitzGibbon.—That claim appears to have been made in all three cases. Sergeant Campbell gave it up. You cannot hope to get the value of a free residence, and also to get the amount paid for rates and taxes.

Mr. Bealey, *q.c.*—Of course not, but I have put the value of having the rates and taxes paid.

11033. Lord Justice FitzGibbon.—As a free residence the house is not worth more than £100.

Mr. Bealey, *q.c.*—It is quite separate from the land, and I am taking the land and the house together at £160.

11034. Lord Justice NAHE.—You are claiming £100 for a free residence, and £50 for the land. The value of the premises now is not £160—plus rates and taxes.

Mr. Bealey, *q.c.*—At any rate he is deprived of the residence, whatever value you put upon it.

11035. Lord Justice NAHE.—Have you detached the residence from the school buildings?

Mr. Bealey, *q.c.*—No, the school buildings, residence, and ten acres of land he is entitled to hold for his life, and compensation must be made for them.

11036. Lord Justice NAHE.—I think £100 a year for the mere house is a very high value.

Mr. Bealey, *q.c.*—If he was put out, he would have to take a house elsewhere, and to pay the rates and taxes. In that neighbourhood he could not get a house and ten acres of land for anything under the sum that he names. In addition, there are the students' fees, and it is idle to say that those fees do not form part of his emoluments. If there is any authority wanted, the question came before the English Privy Council in *Carver v. The Governors of Dulwich College*, 45 L.J. P.C. 28.

11037. Lord Justice NAHE.—You should show us the actual *bona fide* profit, and how long it was likely to continue.

Mr. Bealey, *q.c.*—Yes. There is no difference in Mr. Moore's case about years at all, so far as I can see.

11038. Lord Justice FitzGibbon.—Surely we must take it to consideration the number of years that he has held his office. He has been fifty-five years in

occupation. Surely it is not to be anticipated that he can go on much longer receiving fees to the same amount, irrespective of his age?

Mr. Bealey, *q.c.*—It is to be assumed that he will go on for some time receiving fees. Supposing you were to abolish the office of Attorney-General—Attorney-Generals, like other people, don't live forever—still you should compensate the holder of the office.

11039. Lord Justice FitzGibbon.—You, but not by giving him a life annuity equal to the full amount of the fees he had received, say for a single year, from an office which he might lose in a few months.

Mr. Bealey, *q.c.*—You might do that. The compensation might be measured by his emoluments at the time, and I am sure he would be justified with a life annuity of that amount.

11040. Lord Justice NAHE.—Sometimes life annuities are based on the average of a number of years. But here we are not told to do that; we are to calculate "due compensation" as best we can under the 11th section of the Act; we are to compensate vested interests existing at the passing of the Act, by ascertaining the amount of personal loss caused to Mr. Moore by the scheme when it passes. Your school seems more profitable now than when the Act passed, because you have more boys now than last year, and more last year than the year before that. The profits are stated at £167 last year, and £178 in the present year, and there were only 19 pupils in 1882. What is the amount of the fees claimed?

Mr. Bealey, *q.c.*—On the average of seven years the amount is £388 7s.

11041. Lord Justice FitzGibbon.—We have nothing to do with the average of past years. We have to compensate him for the loss of profits likely to accrue after the date of the scheme.

Mr. Bealey, *q.c.*—He must be compensated for all the emoluments of which he is deprived by the scheme. You cannot send him out in his old age with £100 a year, when the income he was getting was £600. You must compensate him not for the mere salary, but for the profits, fees, and advantages of the house and land and school buildings and so forth—all the other advantages.

11042. Lord Justice FitzGibbon.—What do you claim?

Mr. Bealey, *q.c.*—£833 7s. per annum. His fees, £160 a year salary, and the house and land would amount to £600 and over.

11043. Lord Justice FitzGibbon.—Let me read you his own evidence from the Report of 1880. On April 2, 1879, when he desired to get a retiring allowance—

"Question 214. . . Formerly the Government feeling the necessity of a retiring allowance, and not having the means of giving it as such, used to promote the matter for the time being to valuable Government livings. But that is all at an end, so the suggestion might come very well from the Commissioners to make some provision for it. As to myself I may mention one circumstance Lord Liger strongly recommended me, and the Government agreed on a valuable living some years ago. I went to see it, but there was so much opposition, and being always fond of active life I could not consent to accept it."

"215. Would you retire into the mastership of Cerna school if there was retiring allowance?—I should decidedly, on a suitable allowance, but at present if I was a retiree, I have nothing to retire upon, and I could not retire to beggary."

At that time, the whole income of the Cerna endowment was considerably less than what you now claim. Surely that was not what he then meant to claim?

Mr. Bealey, *q.c.*—The Government have thought fit to pass the Act of Parliament, authorising a retiring allowance, and he is not going to take anything less than his full rights.

11044. Lord Justice FitzGibbon.—Then nothing remains for us but to leave him where he is, according to your first argument?

Mr. Bealey, *q.c.*—He would rather be left where he is than sent out drift with £100 a year, as the scheme proposes.

11045. Lord Justice FRANKSON.—We have never had up to this hour a claim which setting fairly between the endowment and the master, we could regard as reasonable.

Mr. Bealey, *q.c.*—The proposal that he should get £100 a year did seem most reasonable.

11046. Lord Justice FRANKSON.—You will find a proposal in the report of 1880, p. 236, that he should retire on £100 a year, and be allowed to retain his residence during his life. It is certainly Dr. Moore's home, and not merely an official residence. He has been living there for fifty-six years farming the land and acquiring neighbouring land during that long period.

Mr. Bealey, *q.c.*—If a reasonable proposal was made, Dr. Moore would consider it.

11047. Lord Justice FRANKSON.—We quite agree that all the profits of the office should be taken into account in estimating a retiring allowance, but we are certainly not agreed that he is entitled to retire on full pay, including emoluments which in the course of *vide* he can no longer expect to earn as he did in years gone by.

Mr. Bealey, *q.c.*—In the Dulwich College case Dr. Carter who was head master had a fixed salary, and in addition certain fees from pupils which amounted to about £3,000 a year. The Commissioners gave him as a retiring allowance the amount of his salary without compensation for the loss of fees and after full discussion the Privy Council were of opinion that those were emoluments of which he was deprived, and sent the scheme back to the Commissioners with a declaration that the master had a vested interest in the fees for which he was entitled to compensation.

11048. Lord Justice FRANKSON.—If you wish to have your rights saved, we can save them, but if you want a retiring allowance or a bulk sum, we must have regard to the future position of the endowment. I cannot say what we might do, if we had as much money as they had in Dulwich. There is a great deal to be said for allowing him to retain his residence and lands, but he cannot have a right to insist on retaining the school buildings after he has ceased, or must in the course of nature expect to cease, to be able to teach any longer.

Mr. Bealey, *q.c.*—He is prepared to verify his return in detail. It includes the allowance for an assistant master, and the profits from fees, and states the net amount of his profits.

11049. Rev. Dr. MOORE.—The only way he could get that sum would be by staying in the school to earn the fees, because the whole endowment does not furnish the annual amount of money which your claim requires.

Mr. Bealey, *q.c.*—He can only stay there or he reasonably compensated, but he strongly objects to the provision for paying him nothing but his bare salary.

Mr. Carter, *q.c.*—With reference to Dr. Steele's claim I would call attention to the difference between the English and the Irish Acts. The Irish Act circumvents the compensation more than the English Act, and I submit that Dr. Steele can only get an allowance in respect of salary—because he has forfeited all allowance in respect of residence by voluntarily abandoning the place when he accepted the post of Rector of Dorchester. He ought then to have been dismissed from his post of head master, because the duties of the head master of a boys' school, and the duties of the rectorship of a parish three miles off, are utterly incompatible.

11050. Lord Justice NATH.—Supposing the school was prosperous with large profits, you could not say he would not be entitled to compensation in respect of the profits?

Mr. Carter, *q.c.*—I do. I say that all he could get under the wording of your Act would be compen-

sation for allowances "arising out of the endowment," and, possibly, for the right of residence if it had not been forfeited. The words of the English Act are not the same. It cannot be said that the profits from the pupils' fees arise out of the educational endowment.

11051. Lord Justice FRANKSON.—Are we not to make compensation for his vested interest to the person who has a place or emoluments arising out of the endowment. The value of the place, it would occur to me, is the subject of the vested interest, and the profit from fees is included in this interest though they are not paid out of the lands—we are to compensate the vested interest of the individual who holds a place under or arising out of the endowment. Take the case of Rhyolite in Dr. Steele's time; the endowment could not pay him more than £300 a year, but it was a highly prosperous school, and surely his post of head master was then worth to him more than £300 a year?

Mr. Carter, *q.c.*—The utmost that the head master would be entitled to get would be, first, his salary, and second the value of a fully equipped school. That is what he gets now under the endowment, anything he gets by using that capital is a different matter and is made by his own skill and energy. That does not come out of the endowment. Now, if you compensate him first for his capital, and then for his profits, you are compensating him twice over.

11052. Lord Justice FRANKSON.—No, you are compensating him for the value of his place.

Lord Justice NATH.—The person who holds the place here is an old man. If he was young, and was deprived of his office, he might be able still to earn as much as the income attaching to his present office and that would be a matter to be taken into account.

Mr. Carter, *q.c.*—In Dr. Steele's case it is more an abstract question than anything else. There are now no profits from Rhyolite and the right of residence has been abandoned.

11053. Lord Justice NATH.—Armagh is the next case.

Mr. Walker, *q.c.*—The principle has been discussed very fully, but you should have before you already the position of Dr. Morgan. He is a young man and certainly has been a successful master.

11054. Lord Justice FRANKSON.—That is important from both sides. I may say, without offence, that Mr. Prior Moore, for example, could not now begin the world again, nor make his abilities marketable on account of his age. But according to the principle of compensation under the Church Act for instance—the younger a man is the larger in proportion is the value of his services to his employers if he is kept on, and to himself if he is released from duty.

Mr. Carter, *q.c.*—That is, if you buy him out.

11055. Lord Justice FRANKSON.—In the case of a young man, you buy out his time, less by the value of the amount of work which he would be bound to give if he kept his salary, but which his release enables him to apply elsewhere.

Mr. Walker, *q.c.*—This is wholly inapplicable in a case where you destroy the appointment.

11056. Lord Justice FRANKSON.—You must compensate each man for the difference between what you take from him and what you leave him or give him in exchange. A young man gets his time and ability for use elsewhere.

Mr. Walker, *q.c.*—Dr. Moses Morgan went to Armagh in 1869 and found two pupils. The best way of testing his efficiency is by observing the new entries in each year. In 1884—which is a critical year—he had twenty-three new entries (I speak of boarders only), and the next year, in 1885, he had five new entries, in 1886 he had five, in 1887 he had five also, and in 1888, up to the present he has had none. Now that is a commentary upon the working of the scheme upon the school.

11057. Lord Justice FRANKSON.—The figure for 1885 cannot have been affected by this Act.

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Mr. Walker, Q.C.—I think it was. Pupils are sent to school after the summer vacation, and at that time the Act was in full operation; any way everyone knew it was to pass; it was on the stocks in the previous year and known to exist.

11058. Rev. Dr. Mooney.—But in a very hopeless condition.

Mr. Walker, Q.C.—But its life was cut short, and then it was reconstituted in 1885. The new entries for each year before the Act came into operation would be an average of twenty-one. Therefore, what has been called educational absenteeism did not apply to the case of Dr. Morgan. He had, in 1885, when the Act came into operation, the school in full working, with a large number of pupils. In 1884 he had sixty-six boarders, and the number of day pupils averaged twenty.

11059. Lord Justice NAUGHTON.—As the scheme stands we don't propose to lay him out nor to deprive him of his fees.

Mr. Walker, Q.C.—I know that, but it will still be necessary to ascertain what his vested interest is, because if you must measure his retiring allowance, provided he remains under the scheme. Of course that is a matter for himself. Now, in reference to the masters' memorial for a retiring allowance in 1880, I know that the Duke of Marlborough at the time wanted to take the retiring allowances out of the Church surplus. Of course everybody is glad to get a retiring allowance if it comes at a time when they see reason to think that they cannot hold on to what they have, and desire to get their income for the future secured. But Dr. Morgan was as party to that, and he did not join in that movement because he was a young man. You will find at the foot that Dr. Morgan did not adopt that memorial. Therefore it has no operation upon him.

11060. Lord Justice FRYGEMAN.—Here is Dr. Morgan's evidence on the subject, taken from our Report for 1885-87:—

"5494. Lord Justice FRYGEMAN.—What do you think ought to be the provision for the retirement of the head master?—There ought to be a provision for his retirement. I should say certainly at not later than sixty. I do not think it is well to fix the age by a hard-and-fast line, but I think he certainly ought not to continue to hold office after that age. Of course there must be a period in every one's life at which he begins to want rest, but some men at sixty are better than others at forty-two."

"5495. Therefore you think a fixed age is not the best plan?—No."

"5496. Dr. TRAHERN.—Except that you would have a maximum of sixty?—Yes, I think it would be well to have a rule that the master should retire at all events at sixty."

"5497. Rev. Dr. Mooney.—What provision would you make for his retirement?—I think there should be a pension on retirement. It might be arranged as in some of the English schools, by the head master and the Governing Body constituting his share."

"5498. Should the amount of the pension be determined with reference to the number of years service?—Well, in that way it would, for so much would be laid by each year."

"5499. Lord Justice FRYGEMAN.—The superannuation fund would start from the date of his appointment, and would therefore grow in amount the longer he served?—Yes."

"5500. Rev. Dr. Mooney.—When, in your opinion, should the head master be under compulsion to retire?—It would be hard to fix that."

"5501. Lord Justice FRYGEMAN.—Don't you think the Governing Body ought to have the power to dismiss the master?—Yes, if they found the school inefficient, and that the inefficiency was due to his inability."

When his attention was called to the provision for his retirement in the draft scheme of the Commissioners of Education, which certainly seemed to us quite inadequate—*he says*, "It would be utterly inadequate. Suppose a head master holds office ten years, the fund would be £2,000, and on retiring he would be entitled to get £100 out of that fund of £2,000. I suppose it is hardly worth while to go into the details of the scheme, inasmuch as it is entirely unworkable." That

is all evidence of the fairest kind, showing that what he himself contemplated was some reasonable provision for his retirement at or about sixty years of age, whereas at present he has none.

Mr. Walker, Q.C.—But we are not dealing with that now, we are dealing with the taking away of his vested interest.

11061. Lord Justice FRYGEMAN.—In the case of Dr. Moore Morgan with all respect, you are dealing with provisions of which the object is to preserve his vested interest as it is, until the time comes when he ought to retire.

Mr. Walker, Q.C.—And up to that point Dr. Morgan falls in with the scheme; but in the rest of the scheme he expects that you will estimate his pension on retiring allowance, not by the reasoning applicable to ordinary retiring allowances; but by the reasoning applicable to the determination of vested interests. But that all assumes that he is coming in to work under the scheme.

11062. Rev. Dr. Mooney.—The scheme proposes to leave him exactly as he is with all his existing rights.

Mr. Walker, Q.C.—I submitted on Saturday that it didn't do that. I now hand in my amendments in case Dr. Morgan agrees to come in under the scheme. [Amendments handed in.] And now I should like to point out what he has at present. He has a salary of £400 a year, his house, and six and a half acres of land run free, ten acres of land of which the rest is paid, and all repairs, insurance, and taxes paid. He has an allowance for the assistant master of £150, and he has an attraction attached to the school in the shape of Royal scholarships. It appears to me that these are what you might call his plant or capital. Having that plant or capital, through his own teaching power he is capable of producing certain results, which if you deprive him of his vested interest he loses. He loses all that capital which is supplied to him free by the Commissioners of Education. The Commissioners might have given him £2,000 a year, and left him to start with his own capital. It is another way of paying salary, supplying these emoluments under the Superannuation Acts; these are estimated in the retiring allowance.

11063. Lord Justice NAUGHTON.—They come under the head of emoluments.

Mr. Walker, Q.C.—Any person in an official position knows how often this question arises; a public official is entitled to those things as a part of his salary. It also applies in the case of Dr. Ringwood; he has his salary, his residence free, the fees of the scholars, allowances for improvements, lands free, his taxes and insurance paid, and the attractions of the school in the way of Royal scholarships. From these he works and produces the profits of his office, and he loses all the income and the fees because you deprive him of the position in which he now is. If he were to start as a schoolmaster again, he must supply all these items himself, and when you take them from him that appears to me to be the measure of what he loses, and therefore, the measure of what he is to get.

11064. Lord Justice FRYGEMAN.—For some years past, more than the whole income of the endowment has been spent on the Armagh school, which is now in debt £1,150. According to your agreement Dr. Morgan has a vested interest in all this outlay, and therefore you practically claim the whole endowment during his life as compensation for him if he retires.

Mr. Walker, Q.C.—That is merely a book-keeping debt.

11065. Lord Justice FRYGEMAN.—It is a book-keeping debt in this sense that it is always cleared off once a year, when the rents are collected, but for several years the excess of outlay over income has been increasing. A few years since the debt on December 31 was only £500, last year it was £1,150 0s. 3d. Therefore during the last eight years

the Commissioners have spent very nearly £100 a year more than they get out of the Armagh endowment, and therefore even if the scheme never passed they must stop the exhibitions.

Mr. Walker, q.c.—That portion of the scheme which proposes to apply portion of the capital of the Armagh endowment to the compensation fund would be applying capital to meet a diminution of income.

11056. Lord Justice Fitzgerald.—Is there any possible case that would entitle Dr. Morgan to get more than the whole income?

Mr. Walker, q.c.—No, not at all.

11057. Lord Justice Fitzgerald.—But his claims go greatly beyond the total income.

Mr. Walker, q.c.—It is enough for me if my claim is a just one, and I cannot help it if there is not enough to pay.

11058. Lord Justice Fitzgerald.—Really your claim is to give Dr. Morgan, for his life, the whole of the Armagh endowment.

Mr. Walker, q.c.—The only question is whether it is a legal claim or not.

Lord Justice Fitzgerald.—There would not be a farthing left even for the assistant master's compensation.

11059. Rev. Dr. Motter.—Do you consider that the head master of a Royal school has a legal right to remain so in his school and to continue to enjoy all those emoluments which you have enumerated, if he is incapable of conducting his school efficiently, or do you consider that when he is no longer capable of discharging the duties of his office he may be required to retire on a pension?

Mr. Walker, q.c.—At present I could not answer that question at all, because I confine myself to the Act of Parliament. He holds during good behaviour, and it is useless to consider anything about the efficiency of the school, or anything showing that the school was not going on well, because that would not deprive him of his office.

11060. Rev. Dr. Motter.—Allow me to remind you that the scheme does not interfere with Dr. Morgan's tenure at present.

Mr. Walker, q.c.—It allows him to remain, but not, I submit, with the same status that he possessed before. You transfer him to a new body altogether.

11061. Rev. Dr. Motter.—Is that what you are now defining compensation for?

Mr. Walker, q.c.—I am claiming this compensation in order to ascertain what his retiring allowance would be.

11062. Rev. Dr. Motter.—In ascertaining what retiring allowance he may be entitled to, the question will arise whether he should be allowed to remain after he can no longer conduct the school with efficiency?

Mr. Walker, q.c.—Now consider whether Dr. Morgan is going to remain, but in any event you must contemplate a time when the necessity might arise—and what he would be entitled to if he was to go.

11063. Lord Justice Fitzgerald.—Even dealing with his compensation as in case of a forced sale, as if a railway went through the Armagh school, he would be set free, and no judge could tell a jury that he was entitled to the full amount of his present emoluments to be continued for life.

Mr. Walker, q.c.—I submit he would. You must ascertain what he has lost. You can't give him his age and youth and breaking power.

11064. Lord Justice Fitzgerald.—We set them free for him to earn other emoluments. For example, there is a sort of rough rule of giving three years' trade profits where a man's shop is compulsorily taken. He is bound to exert himself to establish his trade elsewhere, and his legal compensation never decreases, or could rise to the free-market value of his trade profits.

Mr. Walker, q.c.—The question of trade profits

would be only applicable by way of analogy to the fees of the pupils.

Lord Justice Fitzgerald.—We have Dr. Morgan's own evidence that at about the age of sixty years he must expect to lose his profits.

11075. Lord Justice Nunn.—Do you deal with compensation on the basis that the person dispossessed is to get a life annuity equal to the amount of his trade profits?

Mr. Walker, q.c.—I am not talking about trade profits, but of things that are fixed upon, which I lay more stress—the salary, the land, and the residence.

11076. Lord Justice Nunn.—There are no fixed considerations applicable to the residence which he gets to enable him to carry on the school.

Mr. Walker, q.c.—And if you take it from him, and if he goes elsewhere, he must have a residence and pay for it.

11077. Lord Justice Fitzgerald.—If the scheme gave Dr. Morgan a retiring annuity in place of being obliged to work in Armagh school, he could do what Dr. Steele has done, seek preferment elsewhere either as a schoolmaster or as a clergyman. We are not taking away his opportunities of earning an income, we take from him his present income giving him power to earn another, and the loss for which he should be compensated is proportionately diminished. The Church Act did not go upon your principle, for that changed the status of the clergy, and altered their prospects, yet it made everyone liable to do his existing duties as long as he got his existing salary.

Mr. Walker, q.c.—But we are here dealing with a vested interest.

11078. Lord Justice Nunn.—Do you think we are bound to compensate him for the profits arising out of pupils' fees by giving him a life annuity equal to the amount of the fees?

Mr. Walker, q.c.—Yes, as he loses them by being deprived of his vested interest. You are bound to take his life income as a whole.

11079. Lord Justice Fitzgerald.—We agree that he is to be compensated for his income as a whole, and you must not suppose that we proposed to give the salary to the handmaiden on any different principle from their other emoluments. We thought that, as a proposal at all events, an annuity equal to the full salary was a fair sum, and really the suggestion that Dr. Steele, for example, should retire perfectly free, with a life annuity of £500 a year, is not likely to be rejected. £500 a year for life, with nothing to do for it, and a rectory three miles off, is not so bad.

11080. Lord Justice Nunn.—Give me the elements of your claim in Dr. Ringwood's case?

Mr. Walker, q.c.—As regards Dr. Ringwood's case, it will not be necessary to do very much more than to give you the figures, because any observations in principle apply equally to this case. His salary is £500 a year; he has a residence, garden, and nine acres of land kept in repair the same as the others.

11081. Lord Justice Nunn.—Those nine acres were for a playground?

Mr. Walker, q.c.—Yes; they were.

Dr. Ringwood.—That was a voluntary matter. There was a paddock and three fields given to me for a playground, but I voluntarily had them thrown into one, and I used them for grazing when the hay was away. That field, where I have the infirmary at the end of it, should have made a valuable field.

11082. Lord Justice Nunn.—Do you let any grazing or do you graze them with your own cattle?

Dr. Ringwood.—I never let the land at all.

Mr. Walker, q.c.—He allows the boys to use it. He threw it into the other ground for their enjoyment. He is allowed £200 for an assistant master.

Dr. Ringwood.—That was an element in the original agreement when I took the appointment. In fact I was getting £700 for myself for I had to give four times more than £200 to assistants during

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my tenure of the school, and at present I am giving just about double.

Mr. Walker, *q.c.*—The Dungeness Royal scholarships amount to five of £40 and five of £30. As regards the number of pupils from 1831 to 1884 there was a fixed number of boarders of 9; in 1885 he had 6, and then the number of day pupils is in 1881, 37; in 1882, 34; in 1883, 40; in 1884, 42; and, in 1885, 41; so that there was an average of about 22. The annual value of the residence, purchase, and land was £171. The profit from pupils in 1884 was £178 11s., in 1885, £68 15s. You will observe the remarkable change between 1884 and 1885—nearly two-thirds had gone.

Dr. Ringwood.—The pupils didn't all pay the same. Everyone paid what he was able.

Mr. Walker, *q.c.*—Of course the boarders are the paying element in an establishment of this kind.

11033. Lord Justice Fitzgerald.—I think it was Dr. Ringwood who told us how many boarders was the minimum that would pay.

Mr. Walker, *q.c.*—I can estimate that by the table before me. On the five in 1885 there are no profits. The very last that seem to have been a paying element were in 1885. Dr. Ringwood has not only remained and done his best, and kept up the school, but he has all through provided the same teaching staff, and I find in all the reports the same teaching power, including his own great knowledge and skill. Nobody can attribute to him any dereliction of duty or abandonment of his position as a working head master, and I believe that Dungeness is not in debt.

Dr. Ringwood.—I am quite willing to make a large reduction in that demand. I am quite willing if I am not free to accept £700 a year; £700 was paid to me always, and I had full control of the other £300, besides my house and lands, and by no compensating power could they be reduced to £50 per annum.

11034. Sergeant Caspary.—I wish to correct what appeared to be an erroneous impression in reference to the present residence of Dr. Steele. From 1857 to 1880 he was in continuous residence at Portora, but about two years ago he began to reside in the neighbouring parish. The distance between the school and his present residence is about three miles, but up to two months ago there were members of his family in Portora, and up to the present he is enjoying the occupation of the garden and out-offices.

11035. Lord Justice Fitzgerald.—We were at Portora, and there is no apprehension in our minds about it. It is an unfurnished house, but that in one dormitory there are beds for about sixteen boys—that number of boys might possibly sleep there, but surely you do not ask us to believe that parents would send boarders into Portora as it is now, with the master living three miles away, and his own rooms unfurnished?

Sergeant Caspary.—That change of residence is only for a period of two years or less.

11036. Lord Justice Fitzgerald.—Yes, but when it was made it was intended to be permanent.

Sergeant Caspary.—He would be most happy if there were boarders to return to-morrow.

11037. Lord Justice Fitzgerald.—He would go back if there were boarders, but no boarders would come while he is not there.

Sergeant Caspary.—It is in the very converse, with great respect. It is because there were no boarders that he did not continue to reside.

11038. Lord Justice Fitzgerald.—Therefore we propose to hold that you had no valuable vested interest in profits from boarders since you left.

Sergeant Caspary.—You won't consider that an abandonment of residence when you have him residing continually there from 1857 to 1880.

11039. Lord Justice Fitzgerald.—He was an efficient head master, and had Portora in a state of prosperity that it never reached before nor since, but

that was all gone when he went away and I think it is unreasonable to ask us to compensate him for that.

Sergeant Caspary.—You should not imagine for a moment that his change of residence caused it. It has been the inevitable result of the Act itself.

11040. Lord Justice Fitzgerald.—That is his explanation, but it certainly is not the whole cause of it.

Sergeant Caspary.—I ask you not to assume that he has abandoned his residence in which he was for thirty years, when he is in the enjoyment of the out-offices and garden attached to the house. And a member of his family has actually resided there up to the last two months. Therefore I ask you not to assume that he has abandoned all claims to the emolument arising from his residence because he temporarily resides at another place.

11041. Lord Justice Fitzgerald.—The emolument is the enjoyment of a free house. In 1880, 1887, and 1888, did he get any value out of that free house?

Sergeant Caspary.—Certainly.

11042. Lord Justice Fitzgerald.—How?

Sergeant Caspary.—He had a member or two of his family residing there up to two months ago, and he now claims it, not as a favour but as a right under the Act of Parliament—that his residence shall be deemed one of the principal elements of his vested rights. He is there as a matter of fact every day, at that same house, and I refer to his own evidence in October, 1880.—

“Q. Professor Dorensen.—Did you come to seek on the premises before the Boarding Department was closed?—No, I remained there as long as there was the ghost of a boarder.”

11043. Lord Justice Fitzgerald.—Under those circumstances can you say that he had any emolument out of the house in 1886, 1887, and 1888?

Sergeant Caspary.—Most certainly; within the terms of the statute to deprive him of his emolument because two years ago he changed his residence when there was no boarder to supersede him, would be most unjust and contrary to the provision of the statute. He was occupying that place as a residence on the day the Act passed, and that was the vested interest which the Act requires. I say with great regret that it is the imperative duty of the Commissioners either compensate him for that or to permit him to continue in the enjoyment of it. He was there at that time and still residing there.

11044. Lord Justice Fitzgerald.—You heard what Dr. Ringwood has said as to his claim, are you instructed to state what Dr. Steele values his vested interest at now?

Sergeant Caspary.—I am not in a position to tell you. I merely explain that there were specific items which constituted my client's vested interest which were wholly omitted from consideration.

11045. Lord Justice Fitzgerald.—Do not imagine that the full salary was given under any idea that the salary was a sum which he was entitled to get in full and that he was not entitled to get anything else; the basis of the scheme was that we thought it a fair proposal that Dr. Steele should retire with £500 a year for life.

Sergeant Caspary.—We consider that his income taken at its very minimum amounted to from £1,000 to £1,500 a year, and that £500 could by no possibility be compensation for £1,500 a year when there is compulsory dismissal. There is a vested right amounting to from £1,200 to £1,800, and by no possible reasoning could the annual payment of a sum of £500—the bare salary—be deemed compensation for that income. But I don't want to interfere with the free action of the Commissioners, and I only hope that some intermediate course may be thought proper.

11046. Rev. Dr. MOLLOY.—You said you had a strict right to have your vested interest valued or compensated for, but your claim for compensation is so large that it is practically impossible to meet it. The only alternative then is to save your vested interest

and to allow you to remain at the school and do the duties of your office.

**Sergeant Campion.**—That is for the Commissioners. 11107. **Lord Justice Fitzgerald.**—You always say that, but with all respect I don't think that is fair to the Commissioners. You may force us to say that the claim is so enormous that we must have the vested interests, but if you named a reasonable retiring allowance we might think it possible, with justice to the endowment, to give it. In a railway case the first thing would be to ask the claimant "what do you say is reasonable?" And the only person who has as yet mentioned any figure approaching what the endowment could bear is Dr. Ringwood.

**Sergeant Campion.**—I don't mean for one moment to contend—no man with common sense could contend—that Dr. Steele would expect the full amount of his claim.

11108. **Lord Justice Fitzgerald.**—Then why did he put it forward, and how much does he expect?

**Sergeant Campion.**—I must leave that to the Commissioners.

11109. **Lord Justice Fitzgerald.**—No, you must not; you are the claimant, and your only figure is £1,113, which as you said you could not expect.

**Sergeant Campion.**—I can only give the same answer as Mr. Bewley did, that if the Commissioners fix upon something fair, exceeding £500, but may be far less than £1,000, we should be glad.

11110. **Lord Justice Fitzgerald.**—We have no machinery by which to arrive at a settlement in that way. Our draft scheme was sent to the parties for their views, and if you are not satisfied with it you should have named what you proposed to insert by way of amendment; you have not done so, and if you go to the Privy Council it can only send the scheme back to us with a declaration, founded on some proposal, which you have never made to us.

**Mr. McIvor.**—As matters curio, and on behalf of Dr. Steele might I make an observation?

11111. **Lord Justice Fitzgerald.**—Yes, if you are authorised by Dr. Steele to do so.

**Mr. McIvor.**—Boarders having ceased to come to Peters, and there being no chance of boarders coming again, he went for his own personal convenience to the residence at Devonish parish. But he still uses the house as a son and sister-in-law have been living there.

11112. **Lord Justice Fitzgerald.**—Do you contend that schoolmaster is entitled to compensation for a residence for his son and sister-in-law—in a house which he possesses only as a schoolmaster, and which he has himself left for his personal convenience, when boarders have ceased and there is no chance of their coming again. You have exactly stated circumstances which I for one cannot see any way to recognise as the ground of a valid claim.

**Mr. McIvor.**—I am not arguing that. All I want to point out is that Dr. Steele is using the house, and that members of his family are living there, and that he is ready to return the moment the first boarder shows himself, and he is giving free quarters there to Mr. Valentine. The reason I interposed at all was that Sergeant Campion does not appear to have been instructed as to the terms on which Dr. Steele would be prepared to retire. Some of the figures sent in, Dr. Steele would not attempt to stand by—some of them are over-estimated—while in regard to others there can be no possible dispute. In 1887 and 1888 he got £560 salary, £310 as pupils' fees, and £180 for the land.

11113. **Lord Justice NAUGHTON.**—Is that the gross amount of the fees?

**Mr. McIvor.**—He puts the profits from pupils at £310. Those £500, £310, and £180 are figures about which there can be no dispute.

11114. **Lord Justice NAUGHTON.**—Do you treat these as net profits?

**Mr. McIvor.**—No, I am now only pointing out the

figures included in the £1,400 that must be conceded. He claims £290 for the convenience of the house and garden.

11115. **Lord Justice Fitzgerald.**—Do you mean for the residence that his son and sister-in-law have been living in?

**Mr. McIvor.**—Yes; he has it there at the school, as a convenience for himself. Then he has added the result fees. I believe they exceeded £53.

11116. **Lord Justice Fitzgerald.**—There must be some mistake about that. Only three boys passed, all in the junior grade, last year.

**Mr. McIvor.**—I don't know the figure of the results fees; but on an average of years he has got £53—so that Dr. Steele's income amounts to over £1,000 a year, taking last year. Dr. Steele will not retire for anything like £500 a year; but he would retire for £850, and he cannot retire for a less sum than that.

11117. **Lord Justice Fitzgerald.**—That is less than half his existing claim.

**Mr. McIvor.**—Some of the figures he would not attempt to stand by. The average was taken in 1878 and 1879, and I am taking the figures of 1887 and 1888.

11118. **Lord Justice Fitzgerald.**—Now, in reference to the case of the "Raphoe Royal School" there is a very serious matter, the head master's salary is charged only upon the Raphoe estate, and there is a formidable deficit.

**Mr. Callan, Solicitor.**—I understand the compensation proposed by the scheme is not charged exclusively upon the estate.

11119. **Lord Justice Fitzgerald.**—We proposed to form a common compensation fund, but if we yield to the claim to save the vested interests Mr. Weir will be left without anything to look to except the Raphoe estate, and his position would be very serious.

**Mr. Callan.**—I might mention that the valuation of the house, in the rent of which he has a vested right, has been £55, and at a prior period it was £84. He has 3 acres 2 roods of land irrespective of the playground, subject to a rent of £32, from which he has a clear net profit of £10 a year at present. He has been allowed £100 a year for assistant masters, and £30 a year for prize, in addition to his own salary of £100 a year.

11120. **Lord Justice Fitzgerald.**—He gets the whole £300?

**Mr. Callan.**—Yes, and £30 a year towards prizes for pupils.

11121. **Lord Justice Fitzgerald.**—If his rights are saved as they stand they are a charge on the Raphoe estate only, of which the last report of the Commissioners states:—

"The financial position of this school is very embarrassed, and the collection of rent on the estate extremely difficult. We repeat the statement in our last report that, under ordinary circumstances, we should have to reduce the school expenditure very considerably, but that as a scheme dealing with the endowment may soon come into operation, we do not think it well to make any present change."

We do not understand how they are justified in doing it, but they have continued to pay £300 a year for Mr. Weir—£100 nominally for himself and another £100 for an assistant, though the result is that the Raphoe estate is now in debt £1,007 17s. 1d. It has not one penny reserve of capital or cash, and the average net income for the last three years was only £133.

**Mr. Callan.**—From Mr. Murphy's report it appears that the lands are let at half their value.

11122. **Lord Justice Fitzgerald.**—And the agent gets 10 per cent, not only on what they pay but also on the statements allowed them.

**Mr. Rice.**—We expect a stimulus will be applied by the local bodies to the management of these estates.

11123. **Lord Justice Fitzgerald.**—There will be,

\* See Appendix B, Nos. LXXIV. and LXXV., pp. 387 and 388.

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an stimulus to raise a deficit of £60 a year and hand it over to Mr. Weir.

Mr. Ross.—If he had the income of £100 a year charged on the general fund he would be in a much better position than now.

11114. Lord Justice Fitzgerald.—The scheme proposes to give him that if he retires.

Mr. Ross.—Mr. Weir is perfectly well able to continue his work, but he understood from the scheme that the head master was called upon to retire, and, consequently, he asks that he should be compensated, and he does not ask for the preservation of his rights. Now the first element of his claim for compensation is the school building that is valued at £70, and from the enjoyment of the land in connection with the school he has £10 a year net profit.

11115. Lord Justice Nasmith.—The premises so far as they constitute his personal residence are rightly included in his claim, but so far as they consist of school buildings not wanted for the purposes of a residence, they may be taken into account only as portion of what goes to make a profit for the school.

Mr. Ross.—Quite so, if they are capable of earning a profit.

11116. Lord Justice Fitzgerald.—You cannot have them both ways. If you claim the full profits of the school you cannot claim the value of the plot, besides, even the master be regarded as having a personal interest in the school, except as a means of earning a profit?

Mr. Ross.—It is only in that respect I wished to claim.

11117. Lord Justice Fitzgerald.—In that view you cannot claim the custody on the school, or the assistant master's salary. The profits of the school are all you have.

Mr. Ross.—But in the school buildings there is the capability for making money.

11118. Lord Justice Nasmith.—The matters to be ascertained are—first the amount he is capable of making, and then what he should be allowed for a thing which is pecuniary.

Mr. Ross.—That should be measured by taking the school at the normal state at any one time. In 1873, Dungannon, Portora, and Raphoe, were all flourishing, and I submit that to measure compensation in respect of the capability of the school for boarders, you should not take the present state of affairs when the school is practically empty, but the normal state of the school. He goes back for seven years before the passing of the Act; the figures are before you in the schedule which has been handed in, and I submit that the years 1886, 1887, and 1888, should not be counted, because this Act certainly had a very powerful effect in emptying these schools of boarders.

11119. Lord Justice Fitzgerald.—Mr. Weir had the same number of boarders in the school the year after the Act as he had the year before. He had only four boarders in 1884, and he had four in 1885. In 1883 there were sixteen day boys, and five boarders.

Mr. Ross.—In 1888 there were three boarders, 1887 only one, and in 1886 none.

11120. Lord Justice Fitzgerald.—The evidence is that there can be no profit from boarders where you have any such numbers as five or six.

Mr. Ross.—But you have to take into consideration that a wave of prosperity may come round in favour of Dr. Weir.

Mr. Collins.—There were twenty boarders in 1881.

Mr. Ross.—The next element in the sum of £30 paid for the Diocesan Library, which is part of the school buildings, and since 1747 £30 has always been paid annually to the head master of Raphoe Royal School as Librarian.

11121. Lord Justice Fitzgerald.—Is not the library now in Derry?

Mr. Ross.—Yes; but I believe there was never any doubt that the librarianship was an actual emolument

of the head master. Since 1896 the library has been removed to Derry.

11122. Lord Justice Fitzgerald.—What justification have we to compensate any interest connected with that library out of this educational endowment?

Mr. Ross.—It was an emolument in connection with the school, and having been invariably paid to the head master for more than a century, Dr. Weir thought it was an emolument that would be taken into consideration in estimating the compensation he was to receive. The next element in the profits from day boys. The number of late years has fluctuated very much, but a considerable number are in attendance, and under ordinary circumstances he makes a considerable profit.

11123. Lord Justice Fitzgerald.—What is your view of the effect on the amount of compensation of the fact that Dr. Weir has been getting older yearly year?

Mr. Ross.—Of course he is getting less efficient, but he is perfectly capable of going on for ten or fifteen years. He is sixty-one years of age. He has always had a difficulty in his hearing, but he has become worse. I also ask you to take into consideration the results from which amount under normal circumstances to £25. The total that he is actually receiving at the present moment is £304 a year. He is not asking for the amount of the income that he has been receiving, but he puts it forward as a basis upon which you should act in assessing the amount of compensation which he is to receive.

11124. Lord Justice Fitzgerald.—His witness claims, dated August 4, refers to a schedule of his income, and claims the full amount.

Mr. Ross.—I think that is putting it further than what he is entitled to.

11125. Lord Justice Fitzgerald.—So do I. Have you any proposal to make which you think he is entitled to?

Mr. Ross.—I have no means of making a proposal.

11126. Lord Justice Fitzgerald.—How are we to deal with the awkward fact, that the average net receipts from the estate for the last three years was £136, and that year the net receipts were £11 13s. 1d., and the Commissioners intimate that they hardly expect to get any more?

Mr. Ross.—But that is not to be pressed too much against him.

11127. Lord Justice Fitzgerald.—I am not pressing it at all, but I want to know from you where is money to satisfy your claim, or even to continue your salary, is to come from?

Mr. Ross.—Dr. Weir thinks he is entitled to £300 per annum.

11128. Rev. Dr. Molloy.—Will he collect his salary?

Mr. Ross.—If he undertook the collection it would certainly shorten the monthly. But, really, I don't think there is very much in that. Of course they say they won't collect any more rent, but I don't believe in those absolute remarks.

11129. Lord Justice Fitzgerald.—The largest amount they got in any since 1835 was £188 10s. 6d. They have really paid to Dr. Weir, or for his benefit out of the moneys of the other schools over £1,000, which they had no right to apply to that purpose.

Mr. Ross.—I don't know what efforts were made by the agent to collect the rents.

11130. Lord Justice Fitzgerald.—Forty years ago the agent's house was blown up with gunpowder—dynamite not being then invented, and the collection of rent has ever since been rewarded with 10 per cent.

Mr. Ross.—That is one of the ordinary incidents which agents must expect; but if the estate was vigorously worked the tenants would not go into arrears so much, and it would not be so hopeless as it is made out. Of course the amount of the endowment should be taken into consideration in fixing the amount

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of the compensation to Dr. Weir, but it is perfectly clear that the salary would be an utterly insufficient compensation.

11131. Lord Justice FRYGROVE.—I think if he got good security for his salary he would be very serviceable to take it at once; £100 a year charged on the Raghee Estate would not be as valuable as the £100 provided by the scheme, for the estate is not good security even for £100 a year, being liable to a prior charge of £1,000 already overpaid.

Mr. NICHOL.—We would take whatever we could get out of the Raghee Estate rather than £100 a year which would be utterly insufficient from every point of view, even taking into consideration that the estate is not flourishing at present, he is entitled to a great deal more than that. I do submit that for the sake of serving these schemes in working order these head masters' claims should not be cut down to a minimum; that is not just or fair. These men have really a first claim upon the endowments.

11132. Mr. STANLEY.—I appear for "Mr. Gordon, first assistant master at Armagh Royal School, appointed by Dr. Morgan, with the approval of the patron of the school, in January, 1871. On June 15, 1873, he was promoted to the position of head assistant master, and has been holding that office for sixteen years. The salary, I may say from time immemorial, paid by the Commissioners for the assistant master of Armagh Royal School, has been £150; but that has never been the full salary, and Mr. Gordon has been receiving from Dr. Morgan—supplementing his salary of £150—£100 a year, so that his salary has been £250 for the last seventeen years.

11133. Lord Justice FRYGROVE.—To the extent that he has been paid by Dr. Morgan he must either look to Dr. Morgan or Dr. Morgan's claim must be reduced by that amount.

Mr. STANLEY.—It seems to me to have been overlooked that the head assistant masters are distinguished from the assistant masters have a claim upon the endowment, and are almost in the same position as the head masters. The endowments under the charters were not for paying the head masters and the under masters, and throughout the head assistant masters were entitled to receive their salaries out of the funds as a primary charge after the payment of the head masters. The Act of Gen. III. section 18, provided "That the under master or masters, if any shall be under this Act endowed at any of said schools, shall be appointed by the head master with the consent and approbation of the several persons in whom the appointment of the head master or masters is vested." Mr. Gordon being on the foundation he can be removed only as provided by the 10th section of the same Act, which provides—that upon conduct being reported to the Commissioners which would justify them in depriving him of his office—an investigation shall take place, and he shall not be deprived until the Commissioners have satisfied themselves that his misconduct has been such as to entitle them to deprive him of it, it is provided—"the persons so appointed shall not be subject to be removed unless with the consent of the Commissioners."

11134. Lord Justice NICHOL.—Does that mean that the trustees of the school with the consent of the Commissioners can remove without cause?

Mr. STANLEY.—I think not, because it provides that in case of misconduct the Commissioners shall not be subject to be removed until after citation that contemplates removal for misconduct only.

11135. Lord Justice NICHOL.—Is that so clear; is not the investigation provided for only in case of misconduct, if the Commissioners have power to appoint an under master—it may be reasonably contended that at any time if the circumstances of the school are not such as to require his services they may and probably under those circumstances they would remove him.

11136. Lord Justice FRYGROVE.—As a matter

of fact have they not reduced the number of assistant masters in several instances where the schools fell away?

Mr. STANLEY.—The question would still remain whether they had any power to do that. But at all events we are not here to consider that question, because we have an assistant master in a school which is efficiently managed and has a large number of pupils, and which you do not intend to discontinue. He has got a vested interest entitling him to compensation or to the saving of his interest. In the Dublin case the head master was removable by the trustees, and it was held by Lord Selborne clearly that that did not entitle him to a vested interest. It was contended that the interest of the master was determinable by a vote of the trustees, and therefore that he hadn't a vested interest; but Lord Selborne answered—"You are now dealing with the vested interest of a person in whose case there has been no such determination come to, and therefore you must consider his interest as a vested interest for the purpose of compensating him." But your scheme recognised the interests of these masters, and it is only now a question of whether the compensation or the saving of the rights in these cases sufficiently meet the justice of the case. The position of Mr. Gordon under the scheme is peculiar, and different from the rest of the assistant masters. You neither save his vested interest nor compensate him. You continue Dr. Morgan, but with certain important modifications; you take away practically the exhibitions from the school; you lower the status of the school, though you in name retain it in its present position. The fifty-fifth section of the scheme makes provision for Dr. Morgan, and then comes the clause to which I object—"The Commissioners shall also pay to the Rev. Wm. Moore Morgan, B.A., and towards the salary of an assistant master, so long as such master shall be engaged by him, and as long as the inspector appointed by the Lord Lieutenant shall report that the services of such master are required, and are efficiently rendered, the annual sum of £150, being the amount which, at the date of the passing of the Act, was so applied." In the first place we may occupy a position to some extent independent of Dr. Morgan.

11137. Lord Justice FRYGROVE.—Did Dr. Morgan take over any assistant master that Dr. Guillemard, his predecessor, had?

Mr. STANLEY.—I think not.

11138. Lord Justice FRYGROVE.—Does not that show that the assistant masters derived their title from the head master. Dr. Prior Moore told me in his evidence that he appointed and removed, from time to time, a large number of assistant masters. If your argument were correct, when Dr. Guillemard retired, Dr. Morgan would have had to take over all his assistant masters.

Mr. STANLEY.—I think he would; but the masters under Dr. Guillemard were new men, and when Dr. Morgan succeeded him, they may have said—"We will not continue under a different régime—we will retire and look for work in England."

11139. Lord Justice FRYGROVE.—Is it the case that none of Dr. Guillemard's assistants came over to you, Dr. Morgan?

Dr. Moore Morgan.—There was a French and German master that had been attending many years under Dr. Guillemard, and when I found him at Armagh I appointed him French master.

11140. Lord Justice FRYGROVE.—What became of the others?

Dr. Moore Morgan.—The only other assistant master was Mr. Harrison, and I fancy he resigned before Dr. Guillemard. He had £150 a year from the Commissioners, and left in August, 1869, just before I went there he left there. I re-appointed the French and German master. He was paid by the headmaster, not by the Commissioners.

Mr. STANLEY.—I am interested for a man who is on the foundation, who has been appointed in the manner

prescribed by the Act of Parliament, and has been receiving for seventeen years £250 a year as the emolument of his office. Mr. Gordon is entitled to hold his office, and there is no reason to apprehend if the school went on in the future as it has done in the past, that the Armagh school would not flourish in the future as in the past. He is now asked to take service under this new scheme, namely, that the Inspector appointed by the Lord Lieutenant to carry out the new scheme at any time may report that his services are not required or are not efficiently rendered, and thereupon he can be retired. The scheme will weaken the Armagh Royal School in the future, and if at any time the Inspector found the number of day pupils had diminished, he would naturally say, "I think Dr. Morgan would be quite a sufficient staff to carry on the school, and the services of Mr. Gordon are not required." He would then be dismissed on the paltry gratuity given to the other masters who are compulsorily retired.

11141. Lord Justice FRYGEMAN.—At Enniskillen the Commissioners have recently reduced the number of assistant masters.

Mr. Stanley.—Whatever right the Commissioners may have had to do that, the Commission has no such power. You must recognise that Mr. Gordon has a vested interest at the present time, as the assistant master appointed by the Commissioners. He has fulfilled the duties of the office, and if you remove him you are to give him fair compensation for the loss of his emoluments or you are to save his rights.

11142. Rev. Dr. MOLLAT.—We can leave him exactly as he is.

Mr. Walker, Q.C.—If this clause is altered as I propose, Dr. Gordon is left as he is.

Mr. Stanley.—But in that case the status of the Armagh Royal School cannot be touched or the scholarships taken away.

11143. Lord Justice FRYGEMAN.—The continuance of the scholarships depends, irrespective of the scheme, on whether the money is available for them, and if you claim in respect of them, how do you deal with the fact that they are not full?

Mr. Stanley.—It is a great attraction to parents sending boys to school to know that there is even one £50 scholarship. Mr. Gordon also objects to being put under any new authority, and says that he ought to be retired and to get full compensation. In section 66 compensation is provided for the head master, and in section 61 compensation is provided for Mr. Gordon. According to that section if Mr. Gordon should serve another ten years, making his period of service at Armagh twenty-seven years, and if at the end of that time the Inspector should say there is no necessity for an assistant master, he is to retire and there is absolutely no provision whatsoever made for him. I need hardly point out that there is flagrant injustice in that.

11144. Lord Justice FRYGEMAN.—Unless he has a tenure against Dr. Morgan, which we must look into, he would be in as bad a position if Dr. Morgan compulsorily dismissed him, or if the Commissioners declined to continue his salary. Your whole case of injustice turns on his tenure.

Mr. Stanley.—I say you are bound to take into consideration the fact that he is at present assistant master, and has been there for a length of time, and that you must award him compensation. You have no right to take into consideration whether or not he can be dismissed by anybody. That was what was attempted to be argued in *Delewich* case. Dr. Morgan has not retired Mr. Gordon, and has no intention of retiring Mr. Gordon. But I submit that upon the Act of Parliament, Dr. Morgan has not the power of dismissal.

11145. Professor DOUGHERTY.—Have you ever had a case, Dr. Morgan, of dismissal of an assistant master in Armagh?

Dr. Morgan Morgan.—Yes, but not of an assistant master paid by the Commissioners. The only two senior assistant masters paid by the Commissioners that I have had, have been Mr. Stanley and Mr. Gordon.

Mr. Walker, Q.C.—It would be your duty to set in the case of dismissal the same as in the case of appointment, there is a veto on the dismissal, and a veto on the appointment.

Mr. Stanley.—The Act of Parliament is clear that once you have an assistant master appointed with the approval of the patron of the school, it is only upon misconduct, such as the Commissioners think entitles them to deprive him that he can be removed. I don't see how my learned friend can get over the express words of that Act, and contend that Dr. Morgan has an arbitrary power of dismissing any clerk. Under the scheme Dr. Morgan is given a retiring allowance to induce him to give up his position at Armagh, and, supposing he allowed the school to be so reduced that the necessity for an assistant master came to an end, Mr. Gordon would be retired without any compensation whatsoever. My first objection is that the right to compensation should not depend upon his continuing assistant master under the new regime, but that he should be entitled from the passing of this scheme to reasonable compensation not dependent upon any circumstances attached to him. I object to the amount, and I object to its being termed a gratuity, because I say it is a vested interest which must be compensated for. The basis upon which the compensation ought to be measured is plainly put forward by himself. He simply asks that he should be compensated upon the basis of an income of £250 a year, and that, having regard to his age and circumstances, and to the work he has done, he has every reason to expect that, if this scheme hadn't interfered with his position, he would for many years have been in the enjoyment of that income. The sum which he may get under the scheme is the same amount now as if he remained for several years longer—he may get £450. That is not exactly two years of his present salary. He asks that if he is forced to retire he should be entitled to a reasonable annuity, and that it should not be made to depend upon whether or not he continues longer to be assistant master. Of course it would be reasonable to take something off the £250, because there is the possibility of his obtaining other employment, but there are very reasonable grounds for apprehending that any schoolmaster would have great difficulty in opening a school in this country and obtaining the higher education of boys. Still it would be reasonable to take into consideration the fact of his working power. On these grounds he asks either a bulk sum as compensation sufficient for his vested interest or he is perfectly willing that an annuity should be given to him.

Mr. DAVE.—I appear on behalf of \*Mr. Valentine, the first assistant master of Portlorn; Mr. Hennig, assistant master at Portlorn; and Mr. Bealish and Mr. Gaskier, assistant masters at Dungannon. The 52nd paragraph of the scheme says that these gentlemen shall be entitled to "receive a retiring gratuity equal in amount to their annual salary"—which having regard to the facts appear to me to be an exceedingly small pittance for gentlemen in their position. Mr. Stanley has already dealt with the rights; the statute 53 Geo. III. shows clearly that there was an express setting apart of particular funds for the maintenance of one or more under masters as in the opinion of the Commissioners might be necessary. All through the Act the head master of the school is dealt with precisely in the same way and placed in the same position as the first under master and the under masters; and I respectfully submit that under the 10th section of the 53 Geo. III. it was incompetent for any head master to have dismissed any one of these assistant

\* See Appendix B, Nos. LXXVI and LXXVII, pp. 565 and 566.

masters or under masters, move and except by sitting down to appear before the Commissioners.

11146. Lord Justice NARR—Do you contend that that applies to the cases of the three other gentlemen, as well as Mr. Valentine and Mr. Gordon?

Mr. DANE—Certainly; in any master, under master, or usher of any school. The head master could not have dismissed any of these under masters without sitting them before the Commissioners and giving evidence of misconduct. The 9th section empowers these Commissioners periodically to visit the schools. They never had a visitation but one, and that was at Carna. Dr. Moore in his evidence said—and it was what the other masters said also—that he had hitherto acted upon the supposition that he had authority to deal as he pleased with the under masters, as they were appointed by himself, and the Commissioners did not seem cognizant of their rights; but if the Commissioners neglected their duties that cannot affect the rights of my clients. The amending Act of Geo. IV. recognizes those rights and enables the Commissioners to devote the surplus funds to other purposes, but expressly preserving the vested rights of the masters and under masters as the first charge upon their funds. That being so, I say it was a misconception of the position of the gentlemen whom I represent to have retired with a small gratuity. I take the case of Mr. Valentine. He is a gentleman of fifty-two years of age, of very high scholastic attainments; he had originally been a pupil of Dr. Steele's at Portora; he has been for thirteen years the first assistant master. The letter from Dr. Steele offering him the appointment, dated October 23, 1875, states that the first assistant mastership had become vacant, that the salary was £200 a year, that it was without board, and that it was paid by the Commissioners [letter handed in]. Rev. Mr. Valentine stated in his evidence that he consulted with Dr. Steele, in order, if possible, to secure his maintenance in the post, and Dr. Steele undertook to get the approval not only of the Commissioners but also of the Lord Lieutenant; because Mr. Valentine had this fact in his mind—that the assistant master whom he succeeded had resigned, and that before that, Dr. Webb, who had been first assistant master under Dr. Graham at Portora, on the death of Dr. Graham was promoted to the head mastership of Raphoe. Mr. Valentine had been head master of the diocesan school in Waterford with a salary of £200 a year, and he communicated with Dr. Steele knowing the possibility and the probability that if he succeeded as first assistant master he might eventually succeed to the school. Accordingly on November 10, 1875, he got the approbation of the Lord Lieutenant. Now, the scheme proposes to displace him with a gratuity of £400. His rights are not saved. It is not even provided that after the election of the new boards the acting assistant masters shall have the first right to be appointed to the schools. It is simply ousting him, and his family, on the world at fifty-two years of age with £400, after he has been assistant master at the school for thirteen years and peacefully discharging the duties of head master.

11147. Lord Justice FREDGROVE—I wish you could satisfy Dr. Steele that he has been practically discharging the duties of head master, and then we would have more money to compensate him with if Dr. Steele gave up some of his claim?

Mr. DANE—Dr. Steele's claim is all the stronger by having such an assistant master.

11148. Rev. Dr. MORLEY—If he gets £1,900 a year what will remain for you?

Mr. DANE—That is another matter. But the Act of Parliament says you are not to destroy his vested interest; you must provide for it either by saving it or giving him compensation. He has his salary of £300 a year, a residence rent free, and all his taxes paid, upon which he puts the low valuation of £40 a year—and he suggests that the least you can give him is an annuity of £100 a year. Mr. Henry had £100

a year, and board and lodging, which are worth £50 more. His salary was reduced to £80 in 1884. Dr. Steele gives him £15. Under your scheme, after being there for nine years he gets the noble sum of £60. Mr. Beckett has been only four years in his present position at Dungannon. He had been for the four years immediately previous at Portora, and at both places he was under the pay of the Commissioners and received £80. He submits that he should not be taken now as having been only four years in his appointment, but that the whole time he has been in receipt of salary from the Commissioners should be considered.

11149. Lord Justice FREDGROVE—It seems only reasonable that whatever time he has served under the Commissioners ought to count for him, but how much it will count is another matter.

Mr. DANE—Taking the time altogether it makes eight years, and according to the scheme he would only get £90 for that, which having regard to his position and service under the Commissioners is a very miserable pittance. Monsieur Gambier is undoubtedly a foreigner of much learning. He has been fourteen years at Dungannon. He got £200 a year direct from the Commissioners, and £50 a year more from Dr. Ringwood; he got two half days in the week for private tuition which brought in £85 a year and the result fees which Dr. Ringwood allowed him were £10 a year—so that in all he was asking £315 a year. I submit that although these three last-named gentlemen have not got the approbation of the Lord Lieutenant—still, having regard to the fact that they were appointed by the head master with the approbation of the Endowed School Commissioners, their rights are just on the very same footing as Mr. Valentine's. And I ask you to deal liberally and generously with them, for they occupy even under ordinary circumstances a very hard position, toiling at a miserable salary, and then, after having spent the best part of their lives in their position—they find themselves cut off with a miserable pittance. I submit that you must save their rights, whatever they are, under this scheme.

11150. Mr. NILES—I appear on behalf of \*Mr. Gunning, who is paid out of the endowment, £200 a year direct from the Commissioners, and another £60, which is a portion of £300 a year paid to Dr. Ringwood, and at the date of the passing of the Act he lodged in the fabric, and the result fees averaged from £16 to £20.

11151. Lord Justice FREDGROVE—In 1886 not a boy at all from the Dungannon Royal School appears in the return.

Mr. NILES—That is such a small point that I do not care to detain you by arguing it at any length. The only statement that Mr. Gunning can supply is that he earned from £15 to £30 from result fees, and he asks for compensation calculated on the whole of his emoluments. The question mainly turns upon whether or not Mr. Gunning has, within the meaning of the Act, a vested interest in the emoluments in respect of which he claims compensation, and which are more important to him than they are to the head master. It would appear to me from the principle indicated in the scheme that you are not inclined to consider anything in the shape of a vested interest in the case of the assistant masters, unless they are able to show an appointment of which the master could not deprive them. Assuming that it is so, we do come within that definition, because this appointment of Mr. Gunning was under the Act of George III., and undoubtedly he holds his office on the tenure prescribed by the Act. He draws portion of his salary direct from the Commissioners, and of course the Commissioners were of opinion that an assistant master was necessary. The conditions for appointment under the Act were that the Commissioners considered that an assistant master was necessary, and that the master was appointed with

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the consent and approbation of the persons who appointed the head master. Mr. Gunning was appointed by the head master, and I am entitled to ask, his salary having been paid to him directly by the Commissioners, which would have been an illegal payment if he had not been legally appointed—that there has been such consent and approbation, and that he holds an appointment of which he cannot be deprived unless in the terms laid down under the Act. Mr. Gunning has nothing to do with what occurred in other cases. If in the history of these Royal Schools, where gentlemen were dismissed by the head masters, that cannot prejudice Mr. Gunning, who has done nothing to prejudice his own position. Nothing has occurred to prevent Mr. Gunning raising this question, and nothing can occur to prejudice him if he does raise it. In reference to the head masters whose claims the Commissioners have recognised there was, at least in one case, a reduction of salary, and I am sure that the Commissioners do not consider that that should prejudice the claim of either that, or of the other head-masters, and how can the conduct of any head master towards an assistant master hinder Mr. Gunning, or prevent him from raising the question whether he is entitled to remain? Even assuming that Mr. Gunning, and the assistant masters similarly circumstanced held their office at the will of the head masters, which I don't think is the case, even assuming that, I say that the principle adopted in the scheme is erroneous. The case of the Dulwich College established that the principle of compensation to be adopted in cases like the present was not the ordinary principle under the Acts when land is taken compulsorily. The effect of that decision was this that although the employee only holds office at the will of the employer, who on taking certain steps can dismiss him, and though he has no security in his own conduct for the retention of his office, if when you come to assess the compensation those steps have not been taken you are to take the office as you find it and assess the compensation accordingly. As to the compensation actually awarded, I have to say, that if you are of opinion that those masters have no vested rights whatsoever, then the gratuity awarded by the scheme is an effort to obviate the injustice done by the Act. But assuming that they have vested interests, no matter how small, the principle is erroneous, because compensation ordinarily has reference to the length of time the person has enjoyed the office, and assuming that he has a vested interest the longer he has remained in it, and the older he becomes the less valuable it becomes, the more it wastes.

11152. Lord Justice Fitzgerald.—I wish you could get the head masters to see that.

Mr. Bates.—I have nothing to do with the head masters, but the longer the occupancy of the office, the less valuable is the vested interest. In a system of pensions the longer the occupancy the nearer to the time when the holders are entitled to pensions, but when they become entitled to pensions there are far less valuable than the office from which they retire. Here you leave Mr. Gunning after sixteen years service to find employment elsewhere, and you take from his compensation the value of his energies. But a gratuity of £180 does not appear to satisfy the most elementary claim.

11153. \*Mr. P. K. Joyce (Head Master, Benagher Royal School).—I am situated peculiarly under this scheme, and will ask permission to point out what I think the hardship and injustice of the conditions proposed in my case.

11154. Lord Justice Fitzgerald.—Since the scheme was published it appears the Lords of the Treasury have threatened to foreclose, and obtain a receiver, which would compel the Commissioners to surrender the school-house; and from the last report the figures look worse for you even than in the case of Raphoe. Last year they got altogether out of the estate

£187 17s. 3d. The house is liable to a rent which the architect reports that it is not worth. It is only held from year to year. The Commissioners had to pay £124 17s. 8d. outgoings, and the net proceeds of the whole endowment available for you was only £69 15s. 6d., and when paying your salary they drew on other people's money. They owe £420, which is a debt affecting the Benagher endowment.

Mr. Joyce.—Two or three years ago we had money to go on with.

11155. Lord Justice Fitzgerald.—That has all been spent and £420 of Owen and Farnagh money besides.

Mr. Joyce.—If I got the endowment as it is, even with the debt upon it, I should be quite satisfied.

11156. Lord Justice Fitzgerald.—Satisfactorily that is what the scheme proposes to give you.

Mr. Joyce.—The scheme changes my tenure of the office, which is during "good behaviour," and by the scheme is "at pleasure." That is a very important change. Then by the use of the words "efficiently conducted" in the clause great injustice could be done in connection with the management of the school. As used in the scheme those words might be held to mean that the number of pupils should not fall below ten. That has happened to me before now, and if that is held to be the interpretation of those words, the next time the number falls below ten I would have compulsorily to retire, and having been compulsorily retired, I should get due compensation.

11157. Lord Justice Fitzgerald.—We shall be glad to hear what you think would be a fair retirement.

Mr. Joyce.—I have sent in a statement of what I consider would be fair.

11158. Lord Justice Fitzgerald.—You claim that your emoluments shall be calculated at £261 per annum. Do you claim £261 a year as compensation?

Mr. Joyce.—No, I claim it on the same scale as my predecessor.

11159. Lord Justice Fitzgerald.—But your claim is not merely to the cash salary, but to emoluments far exceeding the whole endowment.

Mr. Joyce.—My predecessor got the whole endowment into his own hand, and they would not take from him any security, that it should be held out for the benefit of the school. After some years the school got too large for the house, and he took a larger one, selling the one owned by the Commissioners, and took a lease of land, and in that way they divided the salary into cash salary and rent. I consider this cash salary is only part of my salary, and that the pension should be calculated on the whole endowment, and also every emolument arising from the school, because in my case there is nobody else to whom it should be devoted. If my present position is to be saved this new condition, which destroys my tenure patent, should be taken away, and I should be left either in my present position, or I should be duly compensated for any deterioration of my position.

11160. Lord Justice Fitzgerald.—We quite understand that if your position is to be saved it must be saved as it is; but we cannot fix a retiring allowance which would come to more than the entire endowment. There is £20 rent, a prior charge to yours so long as the Commissioners keep the house. There are insurance, taxes, and several other things in addition, making in all £134, irrespective of your £100 salary, and the receipts are £187, and now there is the Treasury claim besides. Last year they paid £17 10s. 3d. more than they got.

Mr. Joyce.—I will take the proceeds of the endowment, or they can pay me in any other way, if it is simpler than this. I claim simply what is paid to me—part in kind and part in cash—I in reality being paid £180 for my use and benefit. That should be applied for myself.

11161. Lord Justice Fitzgerald.—We will not take the case of Mr. W. M. Mitchell, the architect to

\* See Appendix B, No. LXXV., p. 357.

the Commissioners of Education. You are paid eighty guineas a year, Mr. Mitchell?

Mr. Mitchell.—Yes.

11162. Lord Justice FRYGROVE.—Do you pay your own travelling expenses?

Mr. Mitchell.—Yes.

11163. Lord Justice FRYGROVE.—What schools are you obliged to visit for the eighty guineas?

Mr. Mitchell.—Thirteen schools altogether.

11164. Lord Justice FRYGROVE.—How many of those schools are Royal schools?

Mr. Mitchell.—Seven Royal schools, including Chrysket and Banagher, and six other schools at Cossack, Middleton, and other places.

11165. Lord Justice FRYGROVE.—We know what the schools are; after paying travelling expenses what is the net value of the salary?

Mr. Bates.—I appear for Mr. Mitchell.

11166. Lord Justice FRYGROVE.—He has to travel for eighty guineas all over Ireland, from Middleton to Banagher. How much do you spend in travelling, Mr. Mitchell?

Mr. Mitchell.—From £15 to £18 a year. I have only to go once a year to any of those schools, except the five large schools in Ulster, and I have to visit them twice. There were occasionally extra fees; if I had to go in a special case I was paid for it over and above my salary.

Mr. Bates.—There are little incidents that make up the travelling expenses. But what Mr. Mitchell asks is that he should be protected from any doubt as to his being under the 7th section of your lordship's scheme, which deals with the secretary and officers. That appears to be only reasonable if the scheme contemplates Mr. Mitchell as an officer of the body; he wishes that that should be defined beyond doubt.

11167. Lord Justice FRYGROVE.—These places will still require somebody to look after them. The evidence is that one thing which has been done well in Mr. Mitchell's time and in Mr. McGurdy's time is the looking after these buildings.

Lord Justice NABH.—A great many of these fabrics may be disposed of.

Mr. Bates.—Mr. Mitchell is apprehensive that, as your scheme will remove the fabrics of these different schools from the control of the central body to the local boards, his occupation may be gone, and the governing body may take away his salary. He asks that you should make some provision that, in the event of his services being not further necessary, the governing body should give him a retiring allowance or compensation. By way of alternative he thinks that you can authorize the governing body to retain the services of an architect and surveyor for the service of these local bodies.

11168. Lord Justice FRYGROVE.—As long as these buildings are kept as schoolhouses the Commissioners would be bound to see that they are kept in proper repair, and would require some one to dis-

charge that duty, and we can easily put in some clause leaving him in the same boat he is in at present.

Mr. Bates.—If the repair of the fabrics would be the duty of the governing body Mr. Mitchell has no apprehension that his services would be dispensed with, and all we can ask is that clause I would include him among the officers whose services should be retained.

11169. Lord Justice FRYGROVE.—We have now for four days been hearing the arguments offered in reference to this draft scheme. I need scarcely say that the discussion has given practical proof that it is a great deal easier to criticize a scheme than to frame it. We must now carefully consider all we have heard, and we have come to the conclusion that, in this instance at all events, it will be necessary for us, so to say, to republish the draft scheme when revised. The Act of Parliament does not make any special provision for its being done technically in that way; but before signing the scheme or giving final directions with reference to the revised draft we will send a copy of it to the parties concerned. I hope it will not again be necessary to have any extended sitting. The further discussion will be very much narrowed, and may perhaps be conducted by correspondence. But if we find it necessary, we must sit again before we sign this scheme. We could hardly hope to sign any scheme that will not be objected to before the Privy Council; but we will do what we can to reduce the points in dispute to a definite shape. We have during the discussion of these last four days heard many new facts and new principles, to which we shall give our best consideration. We are now adjourning for our vacation, and we cannot take into consideration this draft until October, and it will probably be November before we can communicate with the parties about it.

Rev. Joseph Quinn, C.E.—I am for that portion of the county Derry, in the diocese of Armagh, and the people of that district seeing that they are left out of the boundary, as it at present stands, were advised to send up a remonstrance, and that they would humbly protest against that, and would wish to be included.

11170. Lord Justice FRYGROVE.—Is that the Magherafelt area?

Father Quinn.—Yes; there are the three towns included in it, Magherafelt, Moneymore, and Castle-townsend.

Archbishop Logan.—Is there any intermediate school in that area?

Father Quinn.—Yes, one at Moneymore.

Lord Justice FRYGROVE.—I think I may say that the preponderance of opinion was in favour of the boundary as it stands. Father McNamee was your principal opponent.

The Commission then adjourned.

## CONFERENCE.—THURSDAY, AUGUST 9, 1888

At the Office, 23, Nassau-street.

Present:—The Right Hon. Lord Justice FITZGERBON, Judicial Commissioner; the Rev. GEORGE MOLLOY, D.D., D.Sc., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N.D. MURPHY, Jun., was in attendance.

## THE ROYAL IRISH ACADEMY OF MUSIC AND THE COULSON BEQUEST.

The Council of the Royal Irish Academy of Music were represented by Sir Francis W. Brady, Bart., Mr. George Cress, M.L., D. B. Dunne, Esq., LL.D., Mr. Henry Mooney, Mr. R. W. F. Littledale, LL.D., and Dr. Joad, Secretary.

The Corporation of Dublin were represented by Alderman F. E. Dillon, Alderman Winstanley, Sir George E. Cress, Mr. Robert Sutton, and Mr. Browder, the Town Clerk.

There were also present Mr. Joseph Smith (J.W.D.), Professor Brendan Rodgers, Mr. Houghton, and Mr. John O'Donnell.

Mr. Walker, solicitor, represented Colonel Ward, executor of E. S. Coulson.

11171. Lord Justice FITZGERBON.—We have received the printed amendments proposed by the Council of the Academy. By whom may we take it that they have been agreed to?

Alderman DILLON.—Subject to some points which we are going to bring before the Commission, it has been agreed to by the Corporation, and has been passed by the Council of the Academy.

Sir Francis BRADY.—The French Government have made a claim for legacy duty on the estate of Miss Coulson on the ground that she was domiciled in France; and, therefore, it is not desirable to describe her in the scheme as of "Paris."

11172. Lord Justice FITZGERBON.—You propose to insert the words at page 5—"The Academy shall continue to be under the patronage of Her Most Gracious Majesty the Queen, and His Royal Highness the Duke of Edinburgh shall be Vice Patron, provided he consent so to act." Her Majesty is already patron!

Dr. DUNNE.—She is.

Sir Francis BRADY.—The Duke of Edinburgh is at present the president.

11173. Lord Justice FITZGERBON.—You are making the Lord Lieutenant president.

Sir Francis BRADY.—The reason for making the Lord Lieutenant president is that there are certainties to be signed from time to time, and he is convenient because he is near.

11174. Lord Justice FITZGERBON.—There is no objection to that. The first material change proposed is that no person shall become either a life or an annual member after the date of the scheme without the approval of a meeting of the governors.

Dr. DUNNE.—At present the election to membership is by the council. Is it not usual for the governing body of an institution to elect the members?

11175. Lord Justice FITZGERBON.—Yes, but I should say the scheme would practically work the same way as it is, because you need not take the subscriptions if you don't like.

Mr. CRESS.—We thought it would be invidious to leave it to perhaps some one in a subordinate position to decide whether a subscription was to be taken or not.

11176. The Rev. Dr. MOLLOY.—I should like to ask you the wider question whether it is desirable to restrict to the governors the right of receiving members of the Academy. Why should it not be the members of the Academy who should elect members to their own body?

Mr. CRESS.—Constitutionally that would appear to

be the better principle; but it is only a matter of convenience. We have named the Governors just to have some kind of check in a possible case.

11177. Lord Justice FITZGERBON.—The members of the Academy may meet only once a year, whereas you might be admitting members all through the year.

Sir Francis BRADY.—It would be more convenient to have the governors as the admitting body.

Mr. CRESS.—No one has ever yet been excluded.

11178. Lord Justice FITZGERBON.—Then we may say, "subject to the approval of the governors." You want an express provision that each subscriber shall be over twenty-one years of age? You are not likely to get subscribers under twenty-one.

Alderman DILLON.—Take the case of young ladies.

11179. Lord Justice FITZGERBON.—The proposal to introduce the words "nominate ones" in section 5 is quite right, so as to give only one nomination to a life member for each £250 subscribed; but it may be necessary to make it a little clearer. I don't exactly understand your next amendments. In section 6, line 5, you say—after "the" read "members shall be appointed."

Mr. CRESS.—What we want is that the twelve representatives of the members of the Academy shall not be strangers.

11180. Rev. Dr. MOLLOY.—What you propose is that the representatives of the members shall be themselves members?

Mr. CRESS.—Yes.

11181. Rev. Dr. MOLLOY.—Why should not we leave the members full scope to choose any person they like? If they want their representatives to be limited to members they can secure that by their own action. There would be nobody to compel them to elect outside people. What we thought, and still think, is that there is no necessity for protecting any association against itself. Why should we tell you that you shall not elect anybody but a member? You would be free to change your minds to-morrow under the scheme; but you would not be free to do so if we put in what you ask us.

Sir Francis BRADY.—There is something in that; but there is a great deal more in saying that the members that are to govern the institution shall be selected from the members who pay for it, and that persons who, perhaps, may pay nothing at all shall not be on the governing body.

11182. Rev. Dr. MOLLOY.—But if the members wish to have them on the governing body?

**Mr. Littledale.**—If the scheme be left unaltered it might happen that at a very small meeting of members governors might be elected who would not be representatives of the Academy by any means. Therefore this protection is necessary.

**Sir Francis Brady.**—If the scheme be left as it is it might happen that the whole body of governors would have no member of the Academy amongst them.

**Alderman Dillon.**—I don't see any objection to the scheme saying that the representatives of the members shall be themselves members.

**11183. Lord Justice Fitzgerald.**—Nearly everybody who comes before us wants to put on a strait waistcoat of this sort. We are perpetually trying to take off limitations, and parties are perpetually wishing to put them on themselves.

**Alderman Dillon.**—The Corporation may elect any one they please.

**Sir Francis Brady.**—That is not agreed to by the Academy.

**11184. Rev. Dr. Molloy.**—You say that the members of the Academy should only be represented by members?

**Sir Francis Brady.**—We do.

**11185. Rev. Dr. Molloy.**—As long as you remain in existence you can carry out your own wishes; but you ask us to make a change by which for all time the members will be prevented from changing their minds.

**Lord Justice Fitzgerald.**—If you wish it we will make the change, but it is a matter for yourselves. You will have outside representatives from the Corporation.

**Sir Francis Brady.**—Don't take it that the Academy adopt the proposal of the Corporation. We are rather in favour of the principle that their Governors should be members of the Academy also.

**11186. Lord Justice Fitzgerald.**—In the first instance I understood that before you came here you had agreed that the Corporation should be free to elect some independent outside persons.

**Alderman Dillon.**—The objection of the Corporation is on a very sound basis. The Public Libraries Act, in pursuance of which the Corporation will be asked to raise a grant of money, provides that the town council may elect a committee of management for whatever library they have charge of, out of their own body; and it is in order to comply with the spirit of that provision that we want to be free to elect outsiders if we please.

**11187. Lord Justice Fitzgerald.**—In Cork, where they started this before you did, we found that under a recent act, they had appointed some persons who were not members of the municipal council on their managing committee.

**Alderman Dillon.**—At the present moment on our Education Committee there are members who are not members of the Corporation.

**11188. Rev. Dr. Molloy.**—The Corporation might find it desirable to select persons of musical capacity who were not in the Corporation, to represent them on the body.

**Dr. Dunne.**—There are eight or ten musicians in the Corporation.

**11189. Rev. Dr. Molloy.**—If you make up your minds with full knowledge of what you are doing, I see no objection to the proposed change.

**Lord Justice Fitzgerald.**—We will restrict the election by members to members, and leave the Corporation free.

**Sir Francis Brady.**—Very well. We leave it to the Commissioners.

**11190. Lord Justice Fitzgerald.**—I am glad that you have got rid of the "Principal Professors." We thought it a most awkward business, to distinguish between your professors in that way. The word "Principal" we take out from before "Professors" in each case, and provide that the "Professors" may elect from their number." As to the proposed amend-

ment at line 39 of section 4, I don't think there is any legal difficulty. You want to make the Body Corporate to consist of the whole Academy?

**Mr. Cree.**—We do. It would be a more dignified body corporate.

**Alderman Dillon.**—Is it not usual under the Companies Acts. All the members of the Company form the body corporate.

**11191. Rev. Dr. Molloy.**—We have hitherto in all cases made the governing body the corporate body, because the corporate body is the body to deal with the property, and it is more convenient to have a small body dealing with property than a large one.

**Alderman Dillon.**—Dr. Dunne points out that the Senate of the Royal University is its corporate body.

**Lord Justice Fitzgerald.**—There was a lawsuit lately to make out what was the "Corporation of the University of Dublin," and it was held to be the Provost and Senior Fellows, and not the Senate.

**Rev. Dr. Molloy.**—In the Royal Belfast Academical Institution the members of the institution were the corporate body, and we made the governors the corporate body and transferred the property from members to the governors.

**Lord Justice Fitzgerald.**—There is no legal difficulty in the matter, and making the corporate body "The Royal Irish Academy of Music" would look better. [After conferring with Dr. Molloy.] The better way is to incorporate the Academy in Section 2 and take the incorporating clause from where it is to the top of page 5, and to add there the words "shall be an incorporated body under the name of the Royal Irish Academy of Music."

**11192. Lord Justice Fitzgerald.**—Now we come to a matter of some importance. You propose to omit the provision in Section 7 for voting by proxy.

**Alderman Dillon.**—We have discussed that, and agreed to leave it with you.

**Mr. Cree.**—The Council of the Academy are against voting by proxy, their feeling being that the members should be encouraged to attend the meetings and take a personal interest in the Academy, and not be giving proxies.

**11193. Lord Justice Fitzgerald.**—There is a great deal to be said on both sides. If you have a number of members subscribing they may wish to be able to give their votes without attending in person, and subscriptions may be encouraged by allowing the privilege; on the other hand, as you say, more may come if they know that they can't poll unless they do.

**Rev. Dr. Molloy.**—I should be disposed to exclude proxies, except that you would have a better chance of getting subscribers in the country if they were allowed to vote by proxy, than if only those present are allowed to vote. By giving vote by proxy you might get subscribers all over Ireland; by restricting the voting to those who attend the meetings, your subscribers would probably be limited to Dublin.

**Mr. Cree.**—That is a rather taking kind of reason no doubt. The main body of subscribers that we have are in and about Dublin; and what Sir Francis Brady and myself have felt about the matter is that if vote by proxy be established when Mr. Littledale or Mr. Meurdy would meet subscribers in the street and ask them to attend the meeting they would say, "Don't ask us to go; here is our proxy."

**11194. Lord Justice Fitzgerald.**—On the other hand bear in mind that at railway meetings and other such places a troublesome shareholder is often silenced by the directors producing the proxies, which give effect to the wishes of the majority of shareholders.

**Alderman Dillon.**—The corporation are quite in favour of retaining the power of voting by proxy.

**Sir Francis Brady.**—If I thought there was any prospect of what Dr. Molloy suggests, I would like the proxies; but long experience has taught me that getting subscribers in the country, is a dream.

**11195. Lord Justice Fitzgerald.**—What would

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you say to the suggestion that the members themselves, when you have the Academy in working order, should have power to make provision by by-law for voting by proxy? It is really more a question for the members than for anyone else.

Sir Francis Brady.—There is a great deal to be said on both sides, and I would leave it to the Commission to decide according to their experience.

11190. Lord Justice FitzGibbon.—We have no experience yet, as our schemes have not been long enough working. We have given a power to vote by proxy in some cases and left it out in other ones. We have put it in where the members are likely to be large, and have always left it out where the members are likely to be small, and I think in this case we should empower the Academy to adopt proxy voting if they think proper.

Sir Francis Brady.—In the qualification clause, is there any use in leaving in the words—"I shall become bankrupt"? A man might become a bankrupt and yet be a very good musician.

11191. Professor Dowdall.—We have it in all our schemes. It would be rather irrelevant to provide differently in this scheme.

Sir Francis Brady.—Strike it out unless there is some reason for keeping it in.

Rev. Dr. Molloy.—I think it is better to leave it in.

11192. Lord Justice FitzGibbon.—You want to put out any governors who fail to attend once in a year?

Mr. Cree.—Yes.

11193. Lord Justice FitzGibbon.—We are in favour of that, because it will give you an opportunity of civility getting rid of useless governors. With regard to your proposed amendments in section 13, about the power of transfer, this was made the subject of discussion before the Privy Council, and the Bank of Ireland has made transfer on the written requisition of governors. The advantage of the power as it stands is that if any trustee in whose name property was standing happened to disappear or become residuary, or that you found a difficulty in getting him to execute deeds of transfer, the new governing body can ask for a transfer.

Mr. Cree.—It was altered in this way by our solicitor.

11194. Lord Justice FitzGibbon.—He did it, no doubt, on account of the provisions of the Acts of Parliament with regard to the transfer of Government stock, but you had better leave the scheme as it is, as the Bank makes no difficulty about making transfer on the written requisition of our governing bodies. You want to amend section 14, so as to limit the Academy to the city of Dublin, and I think that is right, as you want to come under the Public Libraries Act.

Sir Francis Brady.—It might be desirable, though the Academy was conducted in Dublin, that a promising pupil should be sent, say to Leipzig, and studied for a few months. Is there anything to prevent that?

11195. Lord Justice FitzGibbon.—No; you are the managers of an Academy which must be in Dublin, but your power of giving Exhibitions and scholarships is unlimited.

Mr. Cree.—Would the power of holding local examinations be affected?

Sir Francis Brady.—We have been asked by the London Royal Academy of Music if there any objection to their holding examinations throughout Ireland in centres such as Belfast and Cork, as they do not wish to interfere with us.

11196. Rev. Dr. Molloy.—In section (d) we can put in—"Fees of examiners and expenses of examinations conducted by the Academy in Dublin or elsewhere."

Alderman Dillon.—I don't see what this contemplates unless you make a material alteration in the whole scheme. What do you propose to do with the pupils that you examine elsewhere?

11197. Rev. Dr. Molloy.—They might be examined to get Exhibitions in the Academy.

Alderman Dillon.—By clause 25 you limit Diplomas to people who have passed such examinations in the Academy and who must have passed through such courses of studies and passed such examinations as the Governors prescribe. The whole scheme is limited as present to pupils of the Academy.

11198. Lord Justice FitzGibbon.—The Honorable would be, as it were, graduates of the Academy, and must attend it. The other clause would give you a power of holding local examinations in music. It might be very important.

Alderman Dillon.—I quite approve of the idea, but I don't think you can do it without some more changes.

11199. Lord Justice FitzGibbon.—You are agreed to give power to hold local examinations?

Alderman Dillon.—Certainly.

Sir Francis Brady.—Does clause (f) interfere with local examinations?

11200. Lord Justice FitzGibbon.—We must look into the details carefully, but as you are agreed on the principle we will carry it out for you. Why do you want to get rid of the first paragraph of clause 17?

Sir Francis Brady.—Because it is a repetition.

Lord Justice FitzGibbon.—We don't think it is.

11201. Rev. Dr. Molloy.—The first sentence deals with subscriptions, &c., for any of the purposes of the scheme; the second sentence deals with subscription, &c., for objects connected with the Academy not inconsistent with or calculated to impede its efficient working.

Sir Francis Brady.—If there is any distinction between the two clauses I have no objection to their remaining.

Lord Justice FitzGibbon.—There is this distinction that we want to give power not only to do what the scheme provides, but also to enlarge the scope of their working if additional endowments are forthcoming for kindred purposes.

Rev. Dr. Molloy.—If you were asked to establish a school in Cork, you might do it with additional funds received under this clause, but not with the Academy money.

11202. Lord Justice FitzGibbon.—Some future Mr. Canon might leave you money for some new object. Now as to the Vaulsley Fund. You want to vary the will of the testator. Whatever the provisions of the will.

Mr. Cree.—We want to make a slight variation. The income is for the endowment of scholarships payable for five years. We have found by experience that it is very inconvenient to have an absolutely fixed period for musical scholarships, and we only ask the power of varying the time.

Sir Francis Brady.—It would be a very important change. We have been obliged to resort to a device to obviate the inconvenience.

11203. Lord Justice FitzGibbon.—Your amendment may be accepted. In section 19 you propose an amendment which we were afraid to put in before, having regard to the objection of the Commissioners of Charitable Donations and Bequests. In dealing with the Coulson Endowment, we have followed the Vice-Chancellor's scheme. You now want power to pay rents, taxes, and insurance out of the Coulson fund, and if you do that you may revive opposition to the scheme.

Dr. Dwyer.—Sub-section (g) gives power to defray a proportion of the necessary expenses of management of the Academy. Surely rent and taxes are "necessary expenses."

11204. Lord Justice FitzGibbon.—You might do what you want by book-keeping, for you can pay, say, £50 a year, out of the Coulson endowment for the salary of the secretary, and so relieve the other funds. We have not altered the Chancery scheme in this respect. There was so much feeling about it that we have been very careful not to do so.

Mr. Cree.—What is virtually contained in the Vice-Chancellor's scheme is, that arrangements can be made between the Academy and Miss Coulson's trustees for the education of the pupils. Under that the Coulson trustees were competent to pay money for the use of the Academy premises.

11211. Rev. Dr. MOLLER.—Can you not, under the clause as it stands, charge the Coulson fund with a portion of the rent of the premises?

Mr. Cree.—That is the very thing we want.

Mr. MOLLER.—We want to have it more clearly defined what is meant by expenses of management.

11212. Rev. Dr. MOLLER.—We have practically got the consent of the Commissioners of Charitable Donations and Bequests to the scheme as it stands, and we should not like to run the risk of provoking opposition by making a change here.

Mr. Cree.—The only thing we want is a power of allocating a proportion of the income of the fund for the purposes in question.

11213. Lord Justice FRANKLIN.—It they are included in "expenses of management" you want no amendment; if not, you want power to spend the Coulson fund on an object not sanctioned by the Vice-Chancellor, and you may excite opposition.

Dr. DOWSE.—A house would be necessary for the administration of the Coulson fund, and, therefore, rent and taxes would be payable. I should say that would come necessarily under the head of expenses of maintenance of the Academy.

Sir Francis BRADY.—In the Vice-Chancellor's scheme power is taken to provide a house for the administration of the Coulson fund. Isn't it part of the duty of providing a house to pay the rent of it?

11214. Lord Justice FRANKLIN.—We have excepted clause 23 of the Vice-Chancellor's scheme, and it does not mention rent and taxes.

Mr. Cree.—The Vice-Chancellor's scheme contains at page 52, a provision that the trustees may enter into arrangements with the Council of the Academy for regulating the terms on which the Academy will provide musical instruction for the use of the charity. Here we have no question about arrangements; the whole thing is to be fixed in the scheme: and what might have been done by arrangement ought to be permitted to the Governing Body of the Academy to do—namely, to apportion the expenditure and the various outgoings upon the several funds.

Allderman DILLON.—The words, "defray the expense of management," necessarily imply that a portion of the rents, taxes, insurance, and other outgoings properly payable should be included.

Mr. Cree.—I should prefer to have it expressly provided for.

Mr. LITTLEDALE.—Each of the sub-sections of clause 51 provides that the outgoings from the Coulson Fund shall be in connexion with the teaching of instrumental music.

Sir Francis BRADY.—The will provides that the house No. 39 Upper Dorset-street shall be used for the purposes of the bequest, and that if it be found not suitable it shall be sold, and other premises purchased or leased for the purpose.

11215. Lord Justice FRANKLIN.—If Alderman DILLON puts it to me as a lawyer whether I consider "necessary expenses of management" would include a part of these charges, I say I think they do, but the scheme ought to say expressly what it means; and if any objection is made you will have brought it on yourselves. We will say in the scheme, "to defray the necessary expenses of management, including a contribution not exceeding £50 a year for the salary of the secretary, and including also such proportion as the Governors shall deem just of the rents and taxes." The Commissioners of Charitable Donations and Bequests have written to say that they offer no objection to the scheme as it stands, but they have called our attention to the fact that to the extent of

£133 you have already drawn on the £500 allowed by the Vice-Chancellor's scheme for capital expenditure on instruments.

Mr. Cree.—That is quite so; and the limited sum of £500 mentioned in the scheme clause is to be exclusive of what we have already laid out.

11216. Lord Justice FRANKLIN.—You have £2,000 besides for buildings.

Sir Francis BRADY.—There is £4,100 more coming in subject to a claim of the French Government.

Alderman DILLON.—Five hundred pounds does not seem a large outlay for musical instruments.

11217. Lord Justice FRANKLIN.—We must put some limit to the amount in the scheme; otherwise you might spend the whole fund.

Mr. LITTLEDALE.—£500 will go a very short way in buying musical instruments.

Sir Francis BRADY.—If we build a concert room the first thing required would be an organ; and £500 would not go very far towards providing one.

11218. Lord Justice FRANKLIN.—Nothing can be spent without the previous approval of the Commissioners. You have spent £133 already. We must put in some limit that will include this sum.

Alderman DILLON.—I think £500 is too small an amount. Where the object is teaching music it is necessary to buy musical instruments.

Mr. LITTLEDALE.—They are very expensive.

Lord Justice FRANKLIN.—If you tried hard you might spend £500 on a flute.

Mr. Cree.—Flutes are very expensive instruments.

Dr. SMITH.—If an orchestra is to be maintained and wind instruments provided you would have to spend £1,000.

Mr. LITTLEDALE.—We intend to educate orchestral pupils and must provide instruments.

Rev. Dr. MOLLER.—You yourselves named the sum of £500.

Sir Francis BRADY.—Is it necessary to name a sum?

11219. Lord Justice FRANKLIN.—I think Miss Coulson intended her endowment to be permanent, and it would not be in accordance with her will to cripple her endowment by large capital expenditure. Besides, at the bottom of all this, that these provisions are taken from the Vice-Chancellor's scheme.

Sir Francis BRADY.—Would you say such sum as the Commissioners may sanction?

Lord Justice FRANKLIN.—You cannot spend anything without their sanction.

Sir Francis BRADY.—Say "£500, or such sum, or sums as the Commissioners may from time to time sanction." They may not sanction so much. We don't want to spend the £500 all at once.

Rev. Dr. MOLLER.—Say "£500 in addition to the sum already spent."

Mr. LITTLEDALE.—Does that confine our expenditure for all time to £500?

Rev. Dr. MOLLER.—Out of this fund only. You can spend as much of your own money as you please.

Alderman DILLON.—I would ask you to leave it to the discretion of the Commissioners of Charitable Bequests. I think it would be too bad to be limited.

Rev. Dr. MOLLER.—The scheme must protect the body of the fund. There must be a limit.

Mr. LITTLEDALE.—Say £1,000.

Rev. Dr. MOLLER.—When you went before the Vice-Chancellor you asked for £500. When you come before us you ask for more.

Lord Justice FRANKLIN.—There is another thing to bear in mind. Unless we include the sum sanctioned by the Vice-Chancellor's scheme you would be under a temptation to spend the whole of that sum between this and the time when our scheme would come into operation. That is a reason for making whatever amount is put into this scheme include both sums.

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11220. *Rev. Dr. MOLLOY*.—Are the trustees re-presented here?—(To Mr. Walker.) You don't make any objection to this proposition?

Mr. Walker.—I think the £500 might remain as it is, adding the words "including the necessary purchases in the future of pianos."

11221. *Lord Justice FRINGHAM*.—Are you willing to give them power to spend not exceeding £500, with the sanction of the Commissioners, in addition to their existing powers?

Mr. Walker.—Yes.

11222. *Lord Justice FRINGHAM*.—Very well, we will do so. You want to have the people who get diplomas called "Licentiate." That is right enough.

Mr. Cress.—Dr. Donnan suggests to extend sub-section (g), by providing a "library and such other educational appliances as the Governors shall deem requisite," out of Miss Condon's endowment.

*Lord Justice FRINGHAM*.—You had better not alter that or you will certainly have objections to it.

*Alderman DILLON*.—Do it out of income.

*Lord Justice FRINGHAM*.—Do it out of the Academy money, with the aid of the Corporation.

*Rev. Dr. MOLLOY*.—The Academy would have to teach instrumental music if Miss Condon had never been heard of. Spend Miss Condon's money on the instrumental music and you will have the Academy money for the other purposes.

11223. *Lord Justice FRINGHAM*.—Now we come to a serious matter—section 15 in granting diplomas you propose to leave out "on the recommendation of the Board of Studies."

*Alderman DILLON*.—The Academy do. The Corporation don't.

Mr. Cress.—We want to give the granting of diplomas to the supreme body.

11224. *Rev. Dr. MOLLOY*.—Don't you think it reasonable that the Board of Studies should in the first instance submit to the Academy what course of studies ought to be followed, and what examinations ought to be passed in order that the diploma may be gained? Then it would be for the Governors with their report before them to come to a decision?

Mr. Cress.—The supreme body must eventually have the framing of the conditions under which the diploma shall be conferred. Supposing that the Board of Studies don't perform their functions in such a way as to enable the supreme body to carry out those conditions, the supreme body would be paralysed in the working of the Scheme.

*Rev. Dr. MOLLOY*.—We can meet that difficulty.

*Alderman DILLON*.—This is only a little bit of the entire question. So far as the Corporation are concerned they are disposed to leave it altogether with you. They think—and the Academy are disposed to agree with them—that the details as to the duties of the board of studies should be all omitted from clause 28, and that the board of studies should be directed to discharge such duties as might be delegated to them from time to time by the Governors. There are certain provisions here which are strongly objected to by the present Council of the Academy as being delegated to the board of studies. We thought that by omitting all details and leaving it with the Governors to decide hereafter what duties the board of studies should perform, a good deal of the vexed question would be resolved.

11225. *Lord Justice FRINGHAM*.—But if you omit the details you only shelve the question. The scheme—if it be possible—should let the Board of Studies know exactly what duties they have to perform, and let the Governors equally know their powers over the Board of Studies.

Dr. Donnan.—We thought that the first line of the clause should be taken away, which makes it all "subject to the supreme control and regulation of the Governors"; while you insert a quantity of detail here they might by resolution rescind the whole of it. If you leave the supreme control in the hands of the

Governors, you necessarily leave the appointment of the duties of the Board of Studies in their hands.

*Sir Francis Brady*.—Leave in the last line of clause 28 and strike out all the rest. Leave in—"The Board of Studies shall exercise all such administrative functions as the Governors may from time to time entrust to them." The special power given to them illustrates the difficulty. The power to suspend one of their own body never was proposed to be given to the Board of Studies. If attempted to be put in force it would lead to the most extreme unpleasantness if not break up the whole Academy.

11226. *Lord Justice FRINGHAM*.—It is curious that this very power of suspension was the subject of a long battle in the Belfast scheme, and there the Council of Studies insisted on keeping it.

Mr. Donnan.—You have had the advantage of having all these different views, and therefore you are the best qualified to decide.

11227. *Rev. Dr. MOLLOY*.—Would it not be a weak thing in the scheme to constitute a board and to specify its functions?

*Alderman DILLON*.—One function is, that the Governors cannot grant diplomas except on the recommendation of the Board of Studies. I would retain that.

Dr. Smith.—Defining the functions of the Board of Studies will protect them from interference.

11228. *Lord Justice FRINGHAM*.—That is the advantage of inserting some details in the scheme. If you leave the supreme regulation and control undefined, it will be entirely ungoverned by any rule. On the other hand if you bring in some small details you are sure to omit others.

Dr. Donnan.—You give the Board of Studies power to draw up time tables of the lectures and studies, "subject to the supreme control of the Governors." The Board of Studies may draw them up, and the Governors on the other hand may throw them out. I think the two things are inconsistent.

*Lord Justice FRINGHAM*.—If you got to correspondence they might say "we won't draw up any timetable for you."

*Alderman DILLON*.—Then they might discuss the whole of the professors at a month's notice.

*Rev. Dr. MOLLOY*.—The practical effect of clause 28 as it stands is, that in case of a collision the supreme power would be with the Governors. At the same time both the Governors and the Board of Studies have their specified functions; and as long as things worked smoothly each would have its own sphere. But we provide against a deadlock by giving the supreme power to one body—the Council of Governors—as a final resort.

Mr. Liddell.—The Board of Studies as constituted at present will not perform subordinate functions, and yet the Governing Body is left supreme control. It may mean anything. It may involve the dismissal of all the professors, and taking away all the functions that are given to them under the scheme.

11229. *Lord Justice FRINGHAM*.—I think your proposals are contradictory. You take out the power given to the Board of Studies of drawing up the time tables of the lectures, and you put in the power of drawing up programmes of examinations and concerts, and the power of determining the grade to which each pupil is to be allocated.

*Sir Francis Brady*.—I was unfortunately not present when that was discussed by the Council of the Academy; but from my experience, I know that about the most difficult of all that work would be the preparing of programmes of the concerts. Every professor would insist on his pupils getting the best place, and provided his own pupils were taken care of, he would not care where the rest were. Similar observations apply to the determining of the grades of the pupils. To tell one of the professors of singing or the pianoforte that one of his pupils was to go from the second class to the first would provoke a not very

satisfactory answer. These two things illustrate the difficulty of defining anything. Would it do for the Board of Studies to report to the Council what they recommend?

11230. Lord Justice FRANKLIN.—The moment you try to make a detailed catalogue of what they are to do you will be putting in some things and leaving out others. Are you satisfied to leave it that their administrative functions are to be settled from time to time by the Governors, who will be supreme. They are to make such recommendations as they think proper and to report once a year.

Sir Francis Brady.—I entirely agree with the Lord Justice.

Mr. Cross.—The professors, after several meetings with the Council, agreed to this clause, as proposed to be altered. The professors are not represented here to-day. They are strongly of opinion that the details should be set out in the scheme. They said—"Give us the responsibility; we are willing to take it and to work it out, but let us know what we have to do—let us know our functions." I did not think I ought to oppose them in that, and I drew up this clause from their recommendations, and they approved of it.

11231. Lord Justice FRANKLIN.—Who settles the programmes of the concerts now?

Sir Francis Brady.—The Secretary, Dr. Joad—subject to the approval of the Council or Executive Committee.

Dr. Smith.—Could not the programme be referred to a select committee or the Chairman of the Board of Studies?

11232. Lord Justice FRANKLIN.—My impression is that it is a matter of detail too small to be put into the scheme.

Mr. Cross.—Then about the question of the grades of the pupils. That arises every day in consequence of new pupils coming into the Academy. Some persons or persons must decide what class or grade a particular pupil is to be sent into. Surely the professors ought to be competent to do it.

Mr. Littleale.—As none of the professors are able to be present, you should consider their claims as practically set out in this amendment. It was after considerable discussion between the council and the professors of the Academy that this paragraph was agreed on; and I don't think it would be at all fair to the professors if we, as the representatives of the council, were to let these recommendations go by the board. It would be a distinct breach of faith with them.

11233. Lord Justice FRANKLIN.—Would there be any objection to putting in a statement that all these matters shall be subject to revision by the Governors?

Alderman DILLON.—It would be introducing an element of discord where we want harmony.

Dr. Duane.—The simplest way is to strike all the details out and leave it—"Such duties as shall be allotted to them."

11234. Lord Justice FRANKLIN.—The determining of the grade to which each pupil is to be allocated is clearly an administrative function. Let the Governors entrust that to the Council of Studies, as the scheme proposes; and if they fall out, they will have to make some new arrangement. The Governors must tell each of the professors what they are to do. I am not musical, and know nothing of the management of concerts; but as to setting the Board of Studies, the educational head of the Academy, to draw up the programme of every concert—it seems to me that they would be too big a body for that.

Sir Francis Brady.—I believe it would be far better to have a general clause as regards the functions of the Board of Studies. I believe that some of the most important professors won't attend it. They won't give their time to it.

Mr. Littleale.—Sir Francis Brady considers that the Board of Studies would not draw up such a correct programme as the Governors would approve of.

Sir Francis Brady.—Oh, no.

11235. Lord Justice FRANKLIN.—What he says is that the professors would fall out as to where such a young lady or gentleman was to come on, and what prominence was to be given to the pupils of one class or another. We have seen concerts where nearly everybody disappeared because they could not agree as to the order in which they were to come in.

Rev. Dr. MONRO.—As matters now stand the question we have to settle is this. It is proposed that the Board of Studies shall simply have the power to make reports and to discharge such administrative duties as may be committed to them from time to time by the Governors.

Sir Francis Brady.—Yes, and I believe that that will work. I believe that the most important of them will be perfectly satisfied with that.

Mr. Littleale.—They pressed very strongly on the council at the meetings at which they were present the importance of incorporating these particulars which are set out in the amendment, and if their functions are to be defined by the council at all they should be defined somewhat on these lines which the professor has agreed on.

Sir Francis Brady.—Some of them.

Mr. Littleale.—The majority.

Sir Francis Brady.—Two of the most important professors have said that they won't do it.

Mr. Littleale.—This is practically an arrangement between the professors and the lay members of the council. What is now proposed will give it the go-by. If the Commissioners after the clause is should be altered in accordance with the views announced by the professors at the meeting of the council.

Rev. Dr. MONRO.—I should be prepared to cast the provision as to the suspension of professors. As to all the rest of the clause I should be in favour of retaining it, subject to being corrected by the experience of the present members of the Academy as to whether it would be workable and convenient. If you tell us that it is not workable I should not be disposed to press it.

11236. Lord Justice FRANKLIN.—If you put in the proposed amendment any one professor could say:—"The scheme says these programmes are to be settled by us, and I claim my voice in doing it."

Dr. Smith.—The Board of Studies must have a standing committee of their own.

Lord Justice FRANKLIN.—Certainly, unless you say that a particular thing is to be done by them all. If you do, any one professor may say—"I won't have a committee for that."

Dr. Smith.—I propose that the Governors shall give specific duties to such members of the Board of Studies as they may think fit.

Dr. Duane.—It comes back to my proposition. Strike out the whole of the details.

Dr. Smith.—Or let the Board of Studies appoint such members of their body as they may think best for particular duties.

11237. Rev. Dr. MONRO.—The first line of Clause 28 reserves supreme control to the Governors. That is not objected to, and is essential. That being so, the real function of the Board of Studies is to make reports, and to offer recommendations on the various points connected with such things as the programmes of studies, concerts, &c. Would it meet the views of everybody if we made a general provision that they shall have charge of all matters appertaining to musical education, and shall furnish reports once a year, and shall be consulted by the Governors with respect to such matters as programmes of studies, of examinations, of concerts, and then put in a general administrative clause at the end?

*Alderman Dillon.*—You.

*Sir Francis Brady.*—What do you mean by "having charge of"?

11232. *Rev. Dr. Molloy.*—It would read—"Subject to the provisions of the scheme, etc., the Board of Studies shall have charge of all matters appertaining to the education of the Academy." They must have that. "They shall make a report once in each year to the governors on the condition of the Academy and the progress of the pupils, and shall from time to time offer such recommendations as they think desirable. They shall be empowered by the governors as regards the programme of studies to be followed in the several departments, and as regards the programme of examinations and of concerts"—and then the general administrative clause at the end. Would that do?

*Mr. Littlehale.*—I think so.

*Sir Francis Brady.*—That will do.

*Alderman Dillon.*—Do you see any objection to placing a restriction on the power of granting diplomas without the recommendation of the Board of Studies?—If the Board of Studies is the teaching body I don't see why the Governors should grant diplomas without recommendations from them.

*Sir Francis Brady.*—It would be pleasant for them to leave that out, for this reason. You have two or three senior professors in important departments. One recommends a pupil that the others may not think deserving. If the other two do not recommend that pupil for the diploma I pity their pupil when they come up.

11230. *Rev. Dr. Molloy.*—There are two points. The first is the prescribing the conditions to be fulfilled by the candidate in order to get the diploma. I propose that the Board of Studies shall make a report to the Governors giving their views as to what the conditions should be, and as to the course of studies to be pursued and the examinations to be passed. That the Governors shall exercise their supreme power by fixing the studies to be followed and the examinations to be passed. But when the candidate comes up for the diploma he cannot get it unless he has passed that course of studies and passed the examinations; and it is the professors who will pass him.

*Dr. Smith.*—In the Royal University it is not sufficient for the candidate to have obtained a certain number of marks!

11240. *Rev. Dr. Molloy.*—What I propose is that the Governors, having considered a report on the subject presented by the Board of Studies, shall fix the conditions necessary to be fulfilled by a candidate in order to get a diploma; but when they come to give the diploma all that they shall have to consider is whether the candidate for the diploma has complied with the required conditions.

*Mr. Cree.*—The final granting of the diploma must be left to the supreme body.

*Sir Francis Brady.*—In an extreme case they might say—"We will set aside the report of the Board of Studies." There might be reasons why the Academy should refuse to grant a diploma although the Board had recommended it. Are the words "certificates of proficiency in music," &c., proposed to be retained?

11241. *Rev. Dr. Molloy.*—You propose that the persons who get diplomas shall be "deemed fully qualified in the branches of the musical profession in which such persons shall have been examined"?

*Mr. Cree.*—These words are taken from the charter of the Royal College of Music in London.

11242. *Rev. Dr. Molloy.*—The value of your diploma depends not on what you put into the scheme, but on the way which you conduct your examinations. You cannot oblige people by Act of Parliament to deem a person fully qualified.

*Dr. Smith.*—I would propose that diplomas should be given to persons who pass such examinations anywhere in Ireland.

*Mr. Cree.*—Would not that amount to making the Academy a mere examining body?

11243. *Lord Justice FitzGibbon.*—Why should you not take power to establish a system of local examinations through Ireland conducted by the Academy and giving certificates of candidates passing at Cork, at Belfast, and elsewhere?

*Dr. Smith.*—The same section suggests that the governors should grant honorary diplomas to persons distinguished in music. I would modify that so as to leave it open to the Academy to create fellowships in the Royal Academy of London is doing now. Leave it open to the governors to specify the form.

*Lord Justice FitzGibbon.*—There is no difficulty in that.

*Dr. Smith.*—Under the scheme I take it for granted that the initials indicating the qualification would be protected just as under a charter?

*Lord Justice FitzGibbon.*—The title of "Institute of the Royal Irish Academy of Music" would be protected.

11244. Now, as to clause 26—do you wish to confine the Board of Studies entirely to the professors?

*Alderman Dillon.*—As I understand, that decision was arrived at by the council after conference with the professors, and it was come to before the Corporation were consulted about the constitution of the Board of Professors. The Corporation are very much inclined to leave it in the hands of this Commission.

*Mr. Littlehale.*—The view of the professors is this. They say—"We have never had anything to do with the conduct of the musical education of the Academy up to the present without the interference, to a greater or lesser degree, of the lay members of the Academy, and we think it only fair that we should get a trial. If it does not work satisfactorily then it will be competent to the governing body of the Academy to apply for some alteration." The professors object very strongly to there being a lay element at all on the Board of Studies, and they attended on more than one occasion at the council meetings for that purpose.

11245. *Lord Justice FitzGibbon.*—If you make this Board of Studies exclusively a professional body you should take some express power in clause 35 to create, if you should find it necessary, a joint committee, to exercise any functions which the governors may think proper to delegate to them. Remember that you are entering on a new experiment altogether in this alteration, for you have no experience of the working of a purely professional body.

*Mr. Littlehale.*—I am merely representing the views of the professors who are absent. My own view is that there should be equal numbers of lay and professional members on the Board of Studies.

11246. *Lord Justice FitzGibbon.*—We thought that some representation of the lay element was necessary.

*Mr. Cree.*—We as the lay element don't think it would work at all.

*Mr. Mervyn.*—I ventured to propose to the Council—and the motion was lost by a small majority—that the President and the Vice President should be ex-officio members of this Board of Studies, following the rule of the Incorporated Law Society. We should have by that Bishop Donnelly and Sir Thomas Jones on the board, both of whom are conversant with the business of the Academy. I think that would be a sufficient representation of the laic element on the Board of Studies.

*Mr. Cree.*—I must say I don't at all agree with that view. It is not concurred in by the majority of the Council. It would be simply putting the Vice-Presidential element of the Academy to co-operate with the professors.

11247. *Lord Justice FitzGibbon.*—If you had any representation it should be one in which you would not be limited to the Vice-Presidents.

*Mr. Littlehale.*—The professors contended that if

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There should be a small lay element on the Board of Studies they would have no practical working power, and would be merely a thorn in the side of the professors. They thought it absolutely necessary that some functions should be put into the hands of the professional element, without any interference by the lay element of the governing body, and they pressed that so strongly in the council that, although a resolution was carried at one meeting of the council that the Board of Studies should consist of half and half, at a subsequent meeting of the council, at which the professors attended, that resolution—which was only a preliminary resolution—was withdrawn, and the scheme was allowed to stand as amended, that the Board of Studies should consist of the professors alone.

11248. Lord Justice FRANKLIN.—As it stands now the Board of Studies having complete charge of all the educational affairs, will have a great deal of business to attend to which will not be minor, and I apprehend that the medical men being professionally engaged may not take the trouble of looking after the other necessary business, without which the whole will fail.

Mr. Littlehale.—I am putting forward the views of the Professors. My own view is that a purely professional board won't work at all. They won't work any hours that they are not paid for.

Mr. Cross.—They pleased themselves that they did not ask for payment, and would attend to their duties as members of the Board of Studies.

11249. Lord Justice FRANKLIN.—Do you agree to leave out the representation of the Governors on the Board of Studies, and let it be an exclusively professional body; but to recognise in the 34th section a power in the Governors of appointing a mixed committee if you think proper, to do any part of the business that is necessary?

Dr. Smith.—Then if the Board of Studies don't stand to the business you will have some remedy.

Alderman DILLON.—It gives them a chance of showing whether they mean to do the work or not.

11250. Lord Justice FRANKLIN.—Under your proposal every professor is to be recognised a member of the Board of Studies; and the only way of getting rid of him would be by dismissing him from his professorship.

Dr. Smith.—Let it be emphasized that the duties connected with the Board of Studies are to be a principal part of the duties of the professor.

Mr. Strevett.—There is at present a Board of Professors quite analogous to the Board of Studies and I would like to ask as to the working of it.

11251. Rev. Dr. MOLLOY.—There is a great difference between the future of this body and the past. In the past a large number of the professors were members of the Council or governing body; but any other professors, who were not members of the Council, really felt that they had no voice in the management of the concern and left it to those professors who were members of the Council.

Mr. Cross.—As a rule all the professors are on the Council at present.

11252. Rev. Dr. MOLLOY.—Henceforth none of the professors will necessarily be on the Council except one.

Sir Francis BRADY.—A number of the most important professors in the Academy are ladies. Are they to be excluded from the Board of Studies?

11253. Rev. Dr. MOLLOY.—If the Governors name them as professors they will be on the Board of Studies.

Mr. Cross.—It is a question on which there are different opinions.

11254. Rev. Dr. MOLLOY.—You will have to settle that amongst yourselves. I must say it appears to me that now that you make the functions of the Board of Studies entirely educational it is better that they should conduct that class of work by themselves;

but the Board of Governors, if they think it desirable to have the assistance of professors in doing work that requires professional knowledge, can provide for that by appointing professors on committees along with the members of the governing body. In that way provision can be made for doing such work as you require the assistance of the professors for.

11255. Lord Justice FRANKLIN.—Now, as to clause 29, you want to have power to call a special meeting of the members by a requisition signed by not less than twenty members; and in section 30 you want to raise the quorum from five to eleven. "Five" may be too small a quorum, but is "eleven" too large?—How many subscribers have you at present?

Dr. Judd.—About 120.

11256. Lord Justice FRANKLIN.—In section 30 you want to remove the power to vote by proxy; we will leave that optional. In section 31 you want to provide that the Register of Members shall be open to inspection; that is quite right. Then you want to add an absolute power of removal of member?

Mr. Cross.—Yes.

11257. Lord Justice FRANKLIN.—As to section 33 you want to shorten the periods and make the Governors meet in a month after the date of the scheme, and once a month after?

Mr. Cross.—We think they should meet every month after the date of the scheme.

11258. Lord Justice FRANKLIN.—As to the power of appointing and removing the professors, lecturers, teachers, &c., we have had objections sent in to several of our schemes by the Schoolmasters' Association; and the Privy Council sent us back two schemes requiring us to insert a provision that no head master should be removed except upon a resolution passed at one meeting. Do you want to make your professors absolutely removable without any check?

Sir Francis BRADY.—It is not of much consequence, for all our engagements are for the season only, and at the end of it every professor's engagement terminates. Therefore a power of dismissal is extremely unlikely to be ever exercised because we have the power of not re-appointing them at the end of the season.

Alderman DILLON.—If they appoint under the clause as it now is, the professors might claim to hold on and get pensions.

Sir Francis BRADY.—The clause should guard against that.

11259. Lord Justice FRANKLIN.—The clause provides that there shall be no removal except by a special meeting of the Governors convened after due notice. Are the professors satisfied with that?

Mr. Cross.—The Council had no objection.

11260. Rev. Dr. MOLLOY.—I think, with regard to the removal of professors, that it would be wiser to take the clause as suggested by the Privy Council. It will do you no harm.

Sir Francis BRADY.—I have no objection. We never during thirty years dismissed a professor. There is nothing in clause 40 to give them a stronger hold on us than the annual engagement. I would not like that.

Alderman DILLON.—I think that clauses 39 and 40 are inconsistent as they stand with appointing the professors from year to year. This provides that they should not be removed at the end of the season without a special meeting.

11261. Lord Justice FRANKLIN.—I will read the clause as you propose. Instead of beginning the 39th clause as it is you propose to read: "The Governors shall appoint the lecturers, professors, and teachers employed in or about the Academy." "Provided that no professor or teacher shall be removed from his office except on the resolution of a special meeting of the Governors, passed after due notice"; and then: "Subject to the provisions of the scheme the Governors shall exercise a general supervision," &c.

August 5, 1886.

**Alderman Dillon.**—I cannot see any reason for two meetings, particularly as these are only annual appointments.

**Rev. Dr. Mollot.**—The Privy Council sent us back a scheme with a direction to insert that clause.

**11262. Lord Justice FitzGibbon.**—If the professors have not invited on three being two meetings, there is no one else interested in there being two.

**Mr. Lóidein.**—The amendment which is put down was arrived at at a meeting at which the professors were present; and the four lines were dropped out at a meeting of the Corporation and the Council, at which none of the professors were present.

**Alderman Dillon.**—I don't see why the Commissioners should give to gentlemen who are employed from season to season any special status. They are not like persons employed permanently, and on their good behaviour for their lives.

**11263. Rev. Dr. Mollot.**—Yes, but this scheme will be permanent, and it might happen in the course of time that it would be desirable to appoint the professors permanently, and this scheme would then protect them if so appointed. We might put into clause 33 that the Governors "shall fix the tenure of the professors in their offices."

**Sir Francis Brady.**—There is no objection to making it as long as you like provided that their appointments are only to be as at present, so that a professor shall not be able to say—"You cannot dismiss me for the coming season without a meeting of this kind." That would set do.

**11264. Rev. Dr. Mollot.**—At the end of the season does he come to be a professor?

**Sir Francis Brady.**—Every one of our professors ceased to be a professor on the 1st of July last.

**Mr. Cros.**—Is it necessary to use the word "suspend"? It has been struck out of the clause relating to the Board of Studies?

**11265. Lord Justice FitzGibbon.**—If you have the elaborate process of a second meeting you certainly must have the power of suspension.

**Alderman Dillon.**—It occurs to me that Dr. Joad's position as a professor is hardly consistent with his being secretary of the Academy, and I would suggest that he might come to be secretary and remain a professor. At present he is both. I would suggest a note being put in, that Dr. Joad is not to act as a professor as long as he is secretary of the Academy. Do you recognise his position as being one of the professors and secretary at the same time as being in any way inconsistent?

**Mr. Cros.**—It has worked very well up to the present.

**11266. Lord Justice FitzGibbon.**—In the Queen's College the secretary is one of the professors. Dr. Gallwey is registrar of Trinity College.

**Dr. Smith.**—Dr. Joad as a musical man would be very useful as secretary.

**11267. Lord Justice FitzGibbon.**—You will get one of the professors to act as secretary for a smaller salary than an outsider, and I see no inconsistency in holding both offices.

**11268. Lord Justice FitzGibbon** then read the following statement which Mr. O'Donnell had sent in:—

#### TO THE EDUCATIONAL COMMISSIONERS.

**MR. LEADS AND GENTLEMEN.**—I beg to offer the following objections to the 'Scheme' for the Management of the Cosheen Beguest by the Council of the Academy:—

It does not make it imperative on the Council to provide musical education for the working classes and amateur bands in the city.

The musical instruments provided by the working classes are wind instruments (brass and wood). There are over 400 young men in the city possessing wind instruments. Most of these have musical talent which they would wish to cultivate during their leisure hours in the evening, but as the Council of the Academy persistently keep their hours

of instruction fixed during the day time these young men are as effectually excluded as if it had been the written rule of the Academy that "no working man will be instructed here."

In 1876 the Council appointed Mr. Vennemann (conductor Constabulary Band) professor of wind instruments at a salary of £40 per year. Vennemann is not a practical teacher. During the thirteen years he has been in the Constabulary he has never taught a pupil; he delegates that branch of his business to two men of the Constabulary Band, to each of whom he pays £1 per month. During the twelve years he has been "teaching" in the Academy he has not produced one player, nor did the Council look to him to produce players; they only required of him to provide for their annual pupils' concerts, and other examination performances a certain number of the Constabulary Band to keep before the public the appearance of there being a wind instrument class in the Academy. For the past twelve years the members of the Constabulary Band have been (much against their inclination) thus brought before the public as pupils of the Academy. This friendly deception on the public has in the time that the Academy has been in 1886, and set one ordinary player professor.

The other instrumental classes have most satisfactory results to show, but they were under the direction of practical teachers. To appoint a professor to teach an instrument in which he cannot give a practical lesson, such as every professor in the Academy gives (Vennemann excepted), is so utterly absurd that it would not be done anywhere but in Ireland.

Such was the system on which the wind instrument class was worked up to last year that same system is now to be continued, only instead of the Constabulary Band, who have refused to play, "the pupils" will in future be selected from the military bands in the garrison.

The Council have now appointed a member of a garrison band to be a sort of under manager, whose business it is to round the garrison bands to get players for the lowest time at which they can be had, to play at the Academy Pupils' Concerts. At the Annual Pupils' Concert, held in June this year, there were fifteen wind instrument players, a what is designated as "The Orchestral Wind Band of the Academy." Of these two were amateurs who were actually in the Academy—one was a professional and twelve were military bandmen. In the Academy's published report for last year it is stated that the Educational Commissioners have allowed £50 per year of the Cosheen Beguest to go towards the remuneration of professors of wind instruments in the Academy. Do the Council carry out your intention by spending this money on a sincere professor (for there is no class in the Academy) and military substitutes for pupils?

The Academy having thus ceased to be a teaching institution for wind instruments, I would respectfully suggest that that class be altogether abolished and that a sort of money should be given in prize at an annual competition open to all Ireland for pupils of natural musical talent and of Irish parentage. I think this plan would be more in consonance with Miss Cosheen's intention than the proposed management of the Academy. "Natural musical talent" (Miss Cosheen's phrase) is a very qualifying term. Take the whole of the pupils (265) at present in the Academy, and amongst them are there half a dozen with "natural musical talent?"

I think Miss Cosheen's intention was to found something like the London Academy of Music, which seeks out amongst the population of the three Kingdoms for "natural musical talent" and provides the best means to cultivate it. There may be people throughout our Irish provinces with the undeveloped qualities of a Paganini, a Thalberg, or a Liszt; yet what will the Irish Academy of Music do for them? Nothing! grant and Cosheen Beguest do for them? Nothing!

If you, my Lords and Gentlemen, will not execute this plan, then some arrangement should be come to between the Corporation and the Academy of Music to establish a proper evening class for the working classes.

The Corporation have power under the Libraries Act to establish a school of music.

I beg to submit this statement for your consideration, and will willingly attend before you for examination.

I am, my Lords and Gentlemen,

Your obedient servant,

JOHN O'DONNELL,

Cornet-a-pisto, late Theatre Royal

The Colonnade, Milltown, Co. Dublin.

11369. Lord Justice Fitzgerald.—We ought, I think, to put into the scheme a provision—which cannot do any harm and may do good—for establishing evening classes.

Sir Francis Budge.—We have several evening classes.

Mr. Littledale.—We have everything except the pupils.

Mr. O'Donnell.—We complain that the amateur bands of the city have been excluded last year; the Academy advertised scholarship examinations, and members of the bands came in and received instruction, but afterwards instead of giving the scholarships they only gave them twelve months' instruction, and then dismissed them without assigning any reason. The bandmen drew their own conclusions from that. There is a difficulty about getting working men to go down to a respectable establishment like that at Westland-row, and another difficulty last year was that Dr. Judd said their practice should be conducted so as not to interrupt the other classes. Could some other place be got for them? There are many untarried houses on the quays in which arrangements could be made to have a place of practice for them.

Alderman Dillon.—That is a matter of detail for the Academy.

11370. Lord Justice Fitzgerald.—The Academy will have full power under this scheme to do that if they think proper, but we can call attention to the matter of musical education for artisans and others engaged during the day by putting in a clause expressly recognising evening classes as a special part of the work of the Academy.

Mr. O'Donnell.—Some of these young men were taught by a very competent and excellent teacher belonging to the Workmen's Club Band—Signor Reginaldo—and they objected to coming from him to a person who was not a practical teacher. If you ask them to go to the Academy to get instruction in wind instruments they won't do it.

11371. Rev. Dr. Motzov.—How is that an objection to our scheme?

Mr. O'Donnell.—I have had several meetings with the bands, and they propose taking further action by bringing the matter before the Council.

11372. Rev. Dr. Motzov.—All that we can do is to give them every facility for learning music from the Academy. But what is the use of our doing that if you tell us that nothing will induce them to go there?

Mr. O'Donnell.—I mean that they have an objection to the buildings at Westland-row—not to the management. They object to having to mix with well-dressed and respectable people. A working man cannot go there and do himself up in his Sunday attire.

11373. Rev. Dr. Motzov.—Practically your suggestion is that the Academy should give instruction in some building near the locality where these people live.

Professor Brendan Rogers.—In the Workmen's Hall.

11374. Lord Justice Fitzgerald.—There is an express power in the scheme to spend £2,000 of the Council money in providing any buildings required for the purposes of the Academy. Such building may be placed in any locality suited for the practice of wind instruments, and probably a separate place would be desirable—we can do no more for you.

Mr. O'Donnell.—There is another objection. They never have had such a thing as a bassoon pupil in the Academy, although a professor of that instrument, Mr. Haveman, has been appointed there. The bassoon is an instrument essential in instrumental orchestras, but very few bassoon players are employed.

11375. Mr. O'Donnell then read the following:—

#### THE COUNCIL OF THE ACADEMY OF MUSIC.

##### MUSIC IN DUBLIN.

It has long been a musical reproach to Dublin that it is the only city in the three kingdoms—perhaps the only city

in the world—with a population of over a quarter of a million that has not a complete orchestral band sufficiently numerous for the production of the works of the great masters. The cause is quite obvious. Dublin is the most he-silly land in the world. With its police and military bands there are at all times ten bands stationary. London, with four millions population, has only eight military bands—while Glasgow, Liverpool, Manchester, &c., with larger populations, have each only one military band. It is not an over estimate to state that the garrison bands in Dublin cost in the year close on £2,000. From the month of May until October military bands are engaged in all directions playing in the open air. In the large towns of England all that playing is done by professional musicians, giving employment to bassoons, French horns, low trombones, &c., which are instruments all essential in large orchestral bands. There is no demand in Dublin for these instruments except for concerts and operas, consequently Dublin cannot support local players. For the musical societies' concerts these players (who, strange to say, are chiefly Irishmen), have to be brought from England at great expense—a dozen of these costing more than fifty local instrumentalists. The want of these instrumentalists in Dublin is putting our musical societies into a state of bankruptcy, but it is vain to think that the Academy of Music can supply this want. The difficulty to produce players on these instruments is very great, but supposing the Academy produced first-class players on these instruments, the engagements that offer for them in Dublin are so few that it would not pay the players to remain here.

I have discussed this matter over and over again with the heads of the musical profession in Dublin, and have urged them to adopt the course pursued in England and Scotland by the musical societies when they require particular instruments for which many engagements do not offer, viz., situations are sought for the players in which the salaries are moderate and the duties as light as to admit of their attending to their musical engagements. Surely in Dublin, with all its great patronage of music, and its colleges and institutions, such situations could be procured for about eight players whose musical services are so essential to our large public concerts. This is the only way in which these players can be kept in Dublin. The authorities of the Dublin Metropolitan Police made a proper step in this direction in appointing for their bandmaster a musician who, in addition to being an efficient conductor, takes a position in our musical societies as a first-class performer on a wind instrument.

In conclusion, my lord and gentlemen, I beg respectfully to ask that some step should be taken to bring this matter under the notice of the Educational Commissioners before they finally decide on their scheme for the management of the Council Bazaar.

I remain,

My Lord and Gentlemen,

Your obedient servant,

JAMES O'DONNELL.

Alderman Dillon.—What do you propose?

Mr. O'Donnell.—Is it not possible to procure situations for men capable of teaching wind instruments, the best horn player in the land would not earn £20 a year by engagements in Dublin.

11376. Lord Justice Fitzgerald.—Nothing more can be done to meet your wishes than the scheme provides. It gives power to the Academy to provide suitable buildings and it gives them funds for the purpose. They may use their buildings in the evening for the classes that you want, and in the day time for the other classes. They can also engage professors to teach any of these wind instruments. I don't see what more we can do.

Mr. O'Donnell.—We want French horns and trombones.

11377. Lord Justice Fitzgerald.—Miss Conham's money is for instrumental music, and they will have larger funds now than they had before. We have given them power to employ teachers, and I suppose they would do so if they saw any prospect of pupils.

Alderman Dillon.—As to such a band as Mr. O'Donnell suggests I will do my best to forward Mr. O'Donnell's views. I think it is a disgrace that we should be at the mercy of military bands in Dublin

August 3, 1883.

and have no hand of any kind capable of performing a piece of orchestral music.

Dr. Smith.—There are larger towns in England which are still worse off. If they want an orchestra in Birmingham they have to send for it.

Mr. O'Donnell.—Mr. Robinson brings all his brass instrument players from Birmingham.

Dr. Smith.—One trombone. You must get an orchestra from London, if you want it.

Sir Francis Brady.—I can corroborate nearly all that Mr. O'Donnell has said, and I have been very glad to hear him express his views. For many years I have been endeavouring to work on the lines that he has suggested; and I do hope now that the Corporation are becoming interested in music, that they will see their way to allocating some money for these trades bands, which are the material through which our instrumental performances must come.

11278. Lord Justice Fitzgerald.—There seems to be a good deal of natural talent for wind instruments going astray in Dublin from the want of teaching.

Mr. O'Donnell.—A very clever young lad, a native of Athlone, only thirteen years of age, a cornet player, was offered by Mr. Corless tuition in Dublin, at Mr. Corless's expense, but he did not come, because there is no one in the Academy to teach the cornet.

Dr. Smith.—I think the Academy has done a great deal in the direction referred to. There is one professorship, that of the violoncello, which, I think, has been a loss to the Academy.

Sir Francis Brady.—The violoncello has been a loss to the Academy; nevertheless, we have felt it our duty to have a professor. A very distinguished performer on one of the more important orchestral instruments,

offered to come to Dublin if I could get him a situation in the Four Courts.

11279. Lord Justice Fitzgerald.—Alderman Dillon might do something for him in the City Hall.

Mr. O'Donnell.—I merely wished to ventilate these matters. Many years ago I spoke to Sir Francis Brady about them, but nothing has been done. It is a single way of providing an orchestra in Dublin.

11280. Lord Justice Fitzgerald.—I am glad that you have brought it forward. You will understand now that there is a body being created by this scheme with power to do what you want, and with funds available for doing it. Of course the Academy must determine—not we—whether it is prudent to do what you suggest or not, what instruments they can teach, and what salaries they can pay. We can't help you to augment their salaries by situations in the City Hall or the Four Courts, but the number of people that they would get must be considered.

Mr. O'Donnell.—Perhaps the Royal Dublin Society would assist?

11281. Lord Justice Fitzgerald.—I hope they won't practise their instruments during office hours. Is this your vacation at the Academy?

Mr. Cree.—On the 20th of September the Academy will resume.

Lord Justice Fitzgerald.—Our Commission is about to adjourn for six weeks vacation. We will then get the amended scheme printed, and let you see it before it is signed. We are anxious that you should all read it over, and see that all these amendments are properly carried out. We will therefore send you proofs of the scheme before it is signed, but that will not be before the 1st of October.

This closed the conference.

# APPENDIX B.

## DOCUMENTS.

### NATIONAL INSTITUTION FOR THE EDUCATION OF THE DEAF AND DUMB, CLAREMONT, GLASNEVIN.

#### No. I. (a.)

Referred to in the Evidence, p. 2.

#### LETTER from the COMMITTEE of the ULSTER SOCIETY for the PROMOTION of the EDUCATION of the DEAF and DUMB, and the BLIND.

"September 15, 1887.

"To THE EDUCATIONAL ESTABLISHMENTS COMMISSION,  
IRELAND.

"MY LORDS AND GENTLEMEN,—In consequence of a statement which has reached the Committee of this Society, that the Committee of the Claremont Institution in Dublin, have asked you to alter your Draft Scheme of June 25th, and allow them to enter Ulster and compete with this Society in collecting funds, and in receiving pupils, they desire us to present to you the following facts, and protest against any such permission being granted. After this Society was formed in 1831, for the education of the deaf and dumb, and blind children of Ulster, 'The Juvenile Association,' auxiliary to the Claremont Institution in Dublin, and which became finally amalgamated with the present Association in 1851, had auxiliaries established in many of the principal towns in Ulster, sending deputations to raise funds and seek for pupils. In many of the same towns there were auxiliaries to the Ulster Institution established for like objects. It often happened from year to year that both Societies sent deputations to the same localities, if not on the same day, at least in the same week or month. This apparent rivalry and consequent heartburning was felt by this Committee to be wrong and injurious to the cause of deaf-mute education. Efforts were made for years to bring about an amicable division of the field to be occupied by the two Societies, but without success, till in the autumn of 1845, when our new Institution was completed, a correspondence was reopened which brought about a meeting of delegates from both Societies, first at the Duke of Manchester's, Tanderagee Castle, and afterwards in Dublin, and the Dublin Committee having asked and got the consent of their friends in Ulster to withdraw from the province, a full and amicable arrangement was signed by both parties on March 19th, 1846. An abstract of the correspondence, with terms of the agreement, was published at the joint expense of the two Societies, and was scattered broadcast over Ulster by the Dublin Association to their friends, and by the Ulster Committee to their supporters. This termination of an unseemly rivalry was hailed with delight by the Christian people of this province. A copy of this correspondence and agreement is lodged with the Secretary of the Commission. We direct your special attention to the joint letter of the Secretaries of the two Associations, on page 2, also to the minutes of the meeting at Tanderagee, page 7, and to the terms of the agreement, page 15. That the Committee of the Claremont Institution acquiesced in this arrangement will be seen from the fact that of the twenty-four pupils then at Claremont from Ulster sixteen were retained there, and according to the terms of settlement this Committee paid £28 for each, per annum, till their educational term was completed, amounting to £297 5s. 4d. Eight pupils then in Claremont were

sent to us for the completion of their education, and six children who had been elected for Claremont, but not then admitted, were sent to Belfast. In further carrying out our part of this contract, as the number of pupils greatly increased, we had to provide additional bed-room accommodation at an expense of £803. Shortly after this we were forced to build a new school-room, enlarge the dining-room, and make other alterations at an expense of £1,750, thus giving ample accommodation for every candidate from Ulster. The unhappy rivalry in Ulster being at an end, the society continued to prosper, so that the committee felt themselves in a position to admit every applicant without the former troublesome mode of elections by vote of subscribers. The annual meeting of members in 1852 resolved to give this power to the committee, and since that time every eligible deaf and dumb and blind candidate has been promptly received by the committee. Not only this, but every year the committee send out about 4,000 circulars to about 800 Protestant ministers and other persons of influence in 144 auxiliary centres, and our deputies, to about 140, hold public meetings in the province every year. All ask for pupils, and make known our readiness to receive every applicant. From this it will be seen that the claims of the deaf and dumb and blind in Ulster are fully met by this society; and this committee now enters its earnest protest against the opening up of Ulster to the Claremont Committee as unnecessary, as it would be the breaking up of the solemn compact of 1846, which has worked so well; as it would be unfair to condemn the society to Ulster, as is done in our scheme (but with which we are satisfied as the field is ample), and again open up this province to the Claremont Institution, while there is work enough, if not more than they can undertake, in the other three provinces. We ask you to observe also that we receive all eligible blind children for which the Claremont Committee have no provision, and of these we had twenty-five during the past year. Under all the circumstances of this case we earnestly beg that you will stand by your scheme of the 25th June, and that you will be no party to the violation of a solemn contract which has been honourably kept for over forty-one years. To open up Ulster again to the Claremont Institution could only result in renewed heart-burnings and unseemly contentions amongst Christian brethren, and in permanent injury to the cause of the deaf and dumb and the blind.

"We are your obedient servants,

"THOMAS MONTGOMERY, D.L., the Treasurer of  
the Ulster Home;

"Wm. JONESON, D.D., Member of Com-  
mittee;

"JOHN KNECHAN, Principal and Life Member  
of Society."

## No. I. (b.)

LETTER, 23d August, 1887, from the CLERK of the DUBLIN PRESBYTERY.

Referred to in the Evidence, page 2.

"Donnee, 8, Circular-road, August 25, 1887.

"SIR,—I am instructed by the Presbytery of Dublin to object to the Draft Scheme for the future government and management of the Educational Endowment known as 'The National Association' for the education of the deaf and dumb poor of Ireland. The National Association was originally an un-denominational Protestant association. Some of those who took part in its organization were Presbyterians, and for many years members of the Presbyterian Church contributed liberally to its funds. On March 19th, 1845, this association entered into an agree-

ment with the Ulster Society for promoting the education of the deaf and dumb and the blind, which has always been an un-denominational society, to confine its operations to the more neglected provinces of Leitrim, Monaghan, and Connaught. In accordance with the terms of this agreement, the two societies were bound to work on the same lines, and the Claremont Institution equally with the Belfast Institution remained the property of Protestants of various denominations.

"(Signed), J. M. HAMILTON."

## HIBERNIAN MARINE SOCIETY.

## No. II.

SUGGESTED AMENDMENTS TO THE DRAFT SCHEME.

Referred to in the Evidence, p. 8.

1 Upper Merion-street, Dublin,  
10th July, 1887.

SIR,—I beg to inform you that a special general meeting of the Members of this Society was held here on the 18th instant (pursuant to amended notice), to consider the draft scheme published by the Commissioners for its future management, and to approve of such objections or amendments as should be found necessary.

That at such meeting, largely attended, the Archdeacon of Dublin presiding, the following amendments were unanimously agreed on, and I am directed to transmit them, and to request that you will kindly submit them to the Commissioners for their consideration and approval, and at your convenience inform me of their decision thereon.

The members of this Society desire if possible to avoid lodging any formal objection to the scheme as published by the Commissioners, being in the main satisfied with it, but to express a desire that if practicable the present Society, as existing under the charter of George III., should not be dissolved, but that a declaration should be inserted in the scheme, that the Society was to be managed in future according to the scheme prepared by the Commissioners. This would involve some technical alterations; but as the members of this Society leave this matter to the discretion of the Commissioners, they have made no alteration in that respect.

Permit me to mention that the reasons which influenced the members in wishing to have the first alteration made are, that many persons will be found to be good and useful governors who do not actually reside in the city of Dublin, but are in it daily, and could attend the meetings, and the condition consequent on non-attendance would prove sufficient to keep up a proper number of working Governors. The Coast-guard Officer for the county of Wicklow is by the scheme made a member, and it is therefore considered reasonable that gentlemen from that or other adjoining counties should also be eligible.

## SUGGESTED AMENDMENTS.

1st. That clause Nos. 3 and 4 of the draft scheme be amended either by the omission of the words, "or shall come to reside permanently in the city or county of Dublin," or by the insertion after the word Dublin of the words, "or in some county adjoining the county of Dublin, or shall not have some place of business in the city or county of Dublin."

2nd. That clause 4 of draft scheme be amended by the substitution of the word "five" for ten in the seventh line.

3rd. That clause 11 be amended by the omission of the words "but not otherwise."

4th. That clause 14 (sec. C.) be amended by the substitution of the word "nine" for eight in the first line, and the word "eight" for seven in the fourth line.

5th. That the name of the Rev. Andrew Campbell, M.A., be added to the list of "Existing Governors," he being a member of the Society for fifty years, and acting as honorary chaplain without payment, a constant attendant at the Board, and resident in the city of Dublin; also

That Charles Pepper's name be added as an "Existing Governor," he being resident in an adjoining county, and a member who frequently attended and took an interest in the Society.

I have the honor to be, Sir,

Your obedient servant,

FRANCIS DE LAURE, Esq.

The Secretary Educational Endowments  
Commissioners.

\* These words would operate against children, orphans, and illegitimate applications, caused by death of parent, &c., and therefore should be omitted.

## LEAMING'S FREE SCHOOLS, LIMERICK.

## No. III.

REPORTS OF THE INSPECTOR ON THE SCHOOLS.

See Evidence, pp. 18 and 20.

May Examination, 1887.—Girls.

The head class made excellent progress in that course appointed for the Junior and Middle Intermediate Grade, including Goldsmith's Poems, Scott's "Lord of the Isles," Gray's "Odes," and the earlier

portion of Dowden's "Manual of English Literature." Their answering in this portion of their school work was particularly good. Other subjects were English History, the Geography of Europe, and Arithmetic.

were also well prepared, though some were rather weak in English History. Some progress had been made in Euclid. Writing and Drawing were careful.

The general course of the fourth class was in all cases good, with the exception of English History, the portion being 1485-1495. The third class was examined in Arithmetic Tables, Arithmetic (simple and compound rules), writing, drawing, reading, spelling, geography, and a small portion of English History, and the general result showed careful teaching all round. In no case was the answering of any of the pupils otherwise than good.

The same result was to be seen in the lower classes of the school. The youngest of all were reading the first book with various degrees of progress, and were able to answer easy questions on the Map of the World.

The fifth and fourth classes, that is the two head classes of the school, did not exhibit the same steady and uniform progress in their work as the others. For instance, M. Hall answered everything in Arithmetic, but nothing in English History; M. Short and K. Myles were inferior in Arithmetic to what they ought to be. The answering of M. Stoddert and A. M'Keon, however, left nothing to be desired in the preparation of their very long and difficult course. In the fourth class the answering of C. Hayes was particularly good.

#### Boys.

The head class was examined in Euclid (First Three Books); Arithmetic, in general; Algebra, up to and including simple and simultaneous equations; Geography, general; and English History. The answering was excellent, and it was seldom a question was raised by either A. Myles, W. Russell, or J. K. Bentley.

The third class was examined in a course somewhat shorter than the above, and with the exception of Euclid, for which they were not fully prepared, the answering was very high. Amongst the best were J. Eggleston, J. J. De Courcy, G. Ball, Armstrong, Kidd, Wright, and Short.

The answering of the first and second classes was quite satisfactory as regards writing, spelling, dictation, geography, grammar, and reading. The arithmetic requires, however, some more attention.

The answering of the two senior classes is extremely creditable, and is marked both by clearness and solidity.

JAMES DOWD.

30th May, 1887.

### MUNGRET COLLEGE.

See Evidence, p. 25, et seq.

#### No. IV. (a)

#### LETTER of Sir STEPHEN DE VERE, Bart., and SUGGESTIONS for a NEW SCHEME.

Tervoe, Limerick,

October 27, 1887.

MY DEAR LORD,—Lord Emly and I have carefully considered the new arrangements which we have thought to be just, and to bear out the views which you intimated.

I send you the Scheme, which has the entire approval of the Trustees, the Bishop, and the Jesuit body.

We do not, of course, pretend to put it into legal language, but we think that it carries out our views fairly, by getting rid of claims and giving a permanent existence to a great Catholic College serving as feeder to the Royal University. The large sums of money raised especially for education for foreign missions will be devoted to that object.

Lord Emly requests me to say that as he may be obliged by Lady Emly's health to return very shortly to the continent, it will be very convenient if the arrangements can be completed as soon as possible.

I do not know whether I ever thanked you for your long and valuable letter; and I feel convinced that as all parties concerned have but one common object, the utilization and permanent constitution of a great and valuable educational institution, there will be little difficulty as to details.

Believe me,

Very truly yours,

STEPHEN DE VERE.

Right Hon. Lord Justice FRANKLIN.

#### SUGGESTIONS FOR NEW SCHEME.

As the trustees must necessarily all be Catholics, the Bishop of the Diocese and the Rector of the College should be appointed in place of Sir David Roche and Mr. E. W. O'Brien. Vacancies in the lay trustees should be filled up by co-option. The Bishop and Rector should be trustees *ex-officio*. It should be the duty of the trustees to secure the due administration of the College according to the following scheme.

#### II. SCHEME.

(1.) The object of the College is to prepare students for Degrees in Arts in the Royal University. No pupils should be prepared for the Intermediate Examinations. Should, however, any pupils admitted into the College require preparation before entering the Matriculation class they may be detained in preparatory classes as long as necessary.

(2.) The Rector should be the sole authority to admit and dismiss students. Whomsoever considerable

sums have been expended by the lessees on buildings for intern students, all such buildings, and any additions thereto, shall be reserved for the education and accommodation of students in training for foreign missions.

(3.) The fees to be paid by students for board and tuition, etc., the regulations as to meals, class, play-hours and holidays, shall be fixed and determined by the Rector.

(4.) The Rector may make By-laws for the management of the College, provided such By-laws be not inconsistent with the Scheme.

(5.) The Rector, at the time of his appointment, shall sign and deliver to the trustees a document declaring himself responsible to the trustees for the due observance of the said Scheme by the teachers and masters, and said declaration shall be entered on the minutes of the trustees.

(6.) The Rector shall be appointed and removed by the Head of the Order of which he professes to be a

member, the appointment being subject to the approval of the trustees.

(7.) The financial administration of the College shall be entirely in the hands of the Rector, who may receive bursars from the benefactors of the institution, and apply them according to the intention of the donors.

(8.) The trustees shall hold a meeting once a year on a day to be fixed by them, and may, in addition, hold a special meeting, whenever they deem fitting. All powers hereby conferred on the trustees shall be exercised by a majority of the members present at a meeting duly summoned by notice at least a fortnight beforehand. Four members shall form a quorum.

### III. AMENDMENTS TO THE PATENT LEASE.

(9.) The Lease should be amended so as to give full security to the lessees. It should be made, if possible, in the name of the lessees as an incorporated body. In case this cannot be done, it should be made to three persons, with a clause to the effect, that, in the event of the death or resignation of one of the lessees, the two survivors should have the power of filling his place, and this should be done within one month from the occurrence of such vacancy. In the event of it

not being so filled up, it shall be filled up by the trustees. Provision should be made that the heirs and assigns, &c., of the lessees should have no right or claim on the property.

(10.) In the event of the lessees violating, in a serious and persistent way, the rules laid down in the Scheme, the governing body should have power to call their attention to that point, and in the event of their refusing to comply with the prescriptions of the Scheme, the governing body should have power to determine the lease. But, in this or any other conflict that might arise between the governing body and the lessees, an appeal should lie to the Lord Lieutenant in Council.

(11.) In the event of the determination of the lease, as aforesaid, it shall be competent to the lessees to tender to the trustees the full sum expended upon Mungret land and buildings up to the commencement of the lease of 1882. Such value to be estimated as agreed on, and on payment of such estimated sum, to enter upon the full enjoyment and occupation of the lands and buildings at Mungret, now existing or hereafter to exist. And the trustees shall hold such sum subject to such trusts for educational purposes as the Lord Lieutenant in Council for the time being shall declare and appoint.

### No. IV. (b.)

See Evidence, p. 25, *et seq.*

TABLE showing the NUMBER of PUPILS in ATTENDANCE at the COLLEGE each year, from the year 1858 to the year 1878.

Year.	1858.	1859.	1860-61.	1861-62.	1862-63.	1863-64.	1864-65.	1865-66.	1866-67.	1867-68.	1868-69.	1869-70.	1870-71.	1871-72.	1872-73.	1873-74.	1874-75.	1875-76.	1876-77.	1877-78.
Number.	7	7	5	22	7	7	8	4	9	33	8	5	7	26	6	8	4	8	3	8

### No. IV. (c.)

See Evidence, p. 26, *et seq.*

SCHEME framed in pursuance of the Act 42 & 43 Vic., cap. cxxx., for the MANAGEMENT of MUNGRET AGRICULTURAL SCHOOL and MODEL FARM.

By His Excellency the Lord Lieutenant-General and General Governor of Ireland.

WHEREAS, by an Act of the 42nd and 43rd years of Her Majesty, Chapter 330, "Local and Personal," entitled, "An Act to enable the Lord Lieutenant of Ireland, with the assent of Her Majesty's Treasury, to vary the trusts of the Mungret Agricultural School and Model Farm in the County of Limerick," it was enacted that it should be lawful for the Lord Lieutenant, or other Chief Governor or Governors of Ireland, with the assent of the Commissioners of Her Majesty's Treasury, or any two or more of them, to direct and appoint that the lands, buildings, and premises known as the Mungret Agricultural School and Model Farm with their appurtenances, should be conveyed or let on the best rent that can be reasonably had for same, and such lands, buildings and premises, and the produce, profits, or rent thereof, and all trust funds then under the control of the trustees should from thenceforth be used and applied under the control and direction of the trustees to such purposes of instruction, including the instruction in and the promotion of agricultural science, as to the Lord Lieutenant with such consent as aforesaid should seem meet; anything in the Act of Parliament therein recited, namely, the Act of the 11th and 12th Victoria, Chapter 114, or any other Act of Parliament,

or in the Deed of Trust therein recited, being a Deed of Trust bearing date the 10th December, 1859, or any other instrument affecting the premises notwithstanding.

Now, therefore, it is hereby declared and appointed by His Excellency the Lord Lieutenant of Ireland, with the consent of the two Commissioners of Her Majesty's Treasury, whose names are signed hereto, that it shall be lawful for the said trustees for the time being, from time to time hereafter to demise the said lands, buildings, and premises known as the Mungret Agricultural School and Model Farm at the best rent and rents that can be reasonably had for the same, for such term and terms of years determinable or not upon the dropping of a life or lives, and either with or without power of surrender to any person or persons willing to become lessee or lessees thereof, so however that the said buildings and at least two acres of the said land to be held therewith, hereafter termed the school premises, shall be so demised for the purpose only of carrying out therein a school for the purposes, and under the rules and regulations hereinafter specified, and it is further directed and appointed that such school shall be conducted, managed, and carried on in the manner prescribed in the Scheme set forth in the Schedule hereto annexed, which Scheme shall be referred to, and incorporated with,

every lease of the school premises, and it is also directed and appointed that the rents and profits of the lands, buildings, and premises, and the Trust Funds under the control of the trustees shall henceforth be used and applied under the control and direction of the trustees, for the purposes of instruction in the said school including the instruction in and promotion of agricultural science as in the said Scheme is mentioned.

Whereas the connection between the trustees and the Board of National Education has ceased, it is further directed and appointed that all future meetings for the appointment of a trustee to fill a vacancy shall be called by the Lord Lieutenant of Ireland, on the requisition of two surviving trustees.

#### SCHEME.

1. In addition to instruction in classics and science, instruction shall be afforded in the French language, and in the ordinary branches of a sound English education, suitable to a school as defined by the rules annexed to the Intermediate Education Act, 1878, or to the due preparation of pupils for university education, and also in the science of agriculture. The preparation of pupils for the examinations held pursuant to the Intermediate Education (Ireland) Act, shall, together with preparation for university examinations, form the main purpose of said school.

2. No pupil attending the school shall be permitted to remain in attendance during the time of any religious instruction which the parents or guardian of such pupil shall not have sanctioned, and the time for giving religious instruction shall be fixed so that no pupil not remaining in attendance shall be excluded directly or indirectly from the advantage of the secular instruction given in the school.

3. The school shall be open to boys, without religious distinction, but inhabitants of the city and county of Limerick shall have a preference in obtaining admission to the school, and boys other than such inhabitants shall not be received if there be a sufficiency of such inhabitants to fill the vacant places, but no boy once received into the school shall be compelled to leave it merely by reason of any such inhabitant desiring admission. Candidates for admission to the school who may be refused by the manager shall have a power of appealing to the trustees, whose decision shall be final.

4. The fees to be paid by the boys who shall become pupils at the school, either as boarders or as day scholars, shall be fixed by the manager, with the assent of the trustees. The regulations as to meals, school and play hours, and holidays, shall be determined by the manager.

5. The head master of the school may be appointed and removed from time to time by the trustees, who shall make such arrangements for his remuneration as they may think fit. The number of other masters, teachers and monitors shall from time to time be fixed by the head master, with the consent of the trustees, and all such other masters, teachers, and monitors may be appointed and dismissed by the head master.

6. The maximum number of pupils, both as

boarders and day pupils respectively, shall be fixed from time to time by the trustees.

7. Every house, whether of the school premises or otherwise, shall contain a clause prohibiting the lease or letting from assigning or sub-letting without the consent of the trustees.

8. Every person employed in the school as head master shall, at the time of his appointment, sign a document to the effect that he had read over this Scheme, as well as the bye-laws of the school in force for the time being, and accepted his appointment subject to them, and shall be held responsible for the observance of the said Scheme and bye-laws by the under teachers.

9. The Manager, with the consent of the trustees, may, from time to time, settle bye-laws for the management of the school, so that such bye-laws shall not in any case be inconsistent with this Scheme.

10. The trustees shall be visitors of the school, and shall hold a visitation once a year upon a day to be fixed by them. They may, in addition, hold a special visitation whenever they deem fitting, and each one of the trustees shall at all times have the authority to enter and inspect the school and enquire into all the details of its management.

11. The net annual income at the disposal of the trustees after payment of all outgoings shall be applied by them in giving such bourses or prizes to pupils as they may determine on. Such bourses or prizes shall be awarded after competitive examination in such subjects as the trustees and manager shall conjointly determine.

12. If the trustees think fit they may apply portion of the income of the trust funds, including rent and profits in the payment of an agricultural teacher and for the purchase of scientific apparatus, and such payments shall be considered an outgoing taking precedence of the foregoing application of the surplus towards bourses and prizes.

13. All powers hereby conferred upon the trustees shall be exercisable by a majority of the trustees present at a meeting duly summoned by notice. No trustee who at the time of summoning such meeting shall be (however temporarily) out of the United Kingdom need be summoned, and a meeting of the trustees shall be valid without his having been summoned.

14. These rules may at any time be amended or varied by the Lord Lieutenant or other Chief Governor or Governors of Ireland, with the consent of the Commissioners of Her Majesty's Treasury, or any two of them, upon receiving an application asking for such amendment or variation from a majority of the trustees for the time being.

(Signed)

SPENCER.

The Lords Commissioners of Her Majesty's Treasury hereby concur in the foregoing scheme.

Dated at the Treasury Chambers, Whitehall, this 24th day of July, 1883.

(Signed)

CHARLES C. COYNE,  
R. W. DUFF.

#### No. IV. (d.)

#### REPORT OF VALUATION OF THE LANDS AND BUILDINGS OF MUNGRET COLLEGE.

See Evidence, p. 25, et seq.

Sir,—In obedience to your instructions, I made on the 8th instant an examination of the lands and buildings of Mungret College.

I have based my investigation on the case submitted for my information and guidance by the Educational Endowments (Ireland) Commission.

I begin by stating that the portions of the original buildings removed by the present lessees are a one-story office on the north, and about two yards of the end of a two-story building on the south side of the recent additions.

In my opinion, the value of the parts removed is so

trifling as to be immaterial in a consideration of the value of the whole.

The original cost of the buildings was £7,500. Allowing for the appreciation of thirty years, and considering the state of repairs in which, as far as I could ascertain, the buildings were found in 1853, the present value of these buildings would be £8,500.

There are seventy-two statute acres of land, the letting value of which I estimate at £75. This is an estimate of the agricultural value of the land, supposing the buildings to be non-existent. It is based on the average prices of the past six years, and takes into account the enhanced value of land due to its proximity to the city of Limerick.

Estimating the value of the lands and buildings conformably to the condition laid down for my guid-

ance, as between a willing seller on the one hand, and a willing buyer on the other,

The fair letting value of the land is	-	£75
The fair letting value of the buildings is	-	£125
Total letting value	-	£200
And		
The fair selling price of the land is	-	£1,500
The fair selling price of the buildings is	-	£5,000
Total selling price	-	£6,500

I have the honour to be, &c.,

THOMAS GAFFNEY,

Revising Valuer.

Valuation Office, Dublin,  
15th December, 1857.

## No. V. (a.)

### MEMORIAL OF CERTAIN OF THE INHABITANTS OF KERRY.

See Evidence, p. 39.

My Lords and Gentlemen,—

We, the undersigned members of the Church of Ireland, in the County of Kerry, beg to submit for the consideration of the Educational Endowments Commissioners the claims of the county upon any educational endowments available for redistribution, and also to bring under their notice the inadequacy of the existing provisions for Intermediate Education in Tralee.

With this object we would respectfully invite the attention of the Commissioners to the following considerations:—

1. That at the date of the last (1851) Census there were in the County of Kerry 5,807 members of the Church of Ireland, and that the great majority of these belonged to the classes for whom Intermediate Education is intended.

2. That although there are large endowments applicable for exclusively the higher education of the members of the Church of Ireland, without any restriction to any particular area, our county receives no direct advantage from these endowments.

3. That there does not now exist in Kerry any endowment for the purpose of Intermediate Education.

CHARLES LEMMON,

VINTHY, D.D., Bannagh, Dingle.

JAMES CURRIE, D.D., Ballyheigue Castle, Tralee.

THE MORGARTY, D.D., Dean of Ardfert.

RAYMOND D'A CRISTEN, Archdeacon of Ardfert, Tralee.

G. R. WYNN, Archdeacon of Aghadoo, Killarney.

WILLIAM ROWAN, J.P., Kerry.

ARTHUR BLENKINSOP, J.P., D.D.

T. MORGARTY, O.L., D.D., Co. Kerry.

G. A. E. HICKSON, J.P., Co. Kerry.

R. FITZGERALD, J.P., Co. Kerry.

STEPHEN HODGSON, Clerk Crown and Peace, Co. Kerry.

BENED. LATOFEED, J.P., Co. Kerry.

J. M. HURLEY, J.P., Co. Kerry.

J. W. LEAHY, J.P., Co. Kerry.

M. R. LEECH-MARSHALL, J.P., Co. Kerry.

JOHN PATTERSON, A.B., T.O.D., Rector of Kiltollagh.

for members of the Church of Ireland, nor is there any Intermediate School for the members of the Church of Ireland in Kerry receiving aid from any endowment.

4. That the necessities of our county from the great educational centres, and from the existing endowed schools, increases the cost of education, and places obvious difficulties in the way of our availing ourselves of the advantages offered.

5. That efforts have from time to time been made to maintain without external aid private schools in Tralee for Intermediate Education, but from want of such encouragement and assistance as we now seek, the results attained, although so far satisfactory, are not such as may be hoped for, considering the numbers and position of the members of the Church of Ireland in our county.

We venture to hope that the Commissioners will hold a local enquiry in Tralee, and enable us to place before them evidence in support of this Memorial.

We are, my Lords and Gentlemen,

Your obedient servants,

RICHARD HUGGARD, M.A., M.D., Trin. Col., Dublin.

D. DA C. MACGUTHRIDE, Sessions Crown Solicitor, Kerry.

F. R. HAYMAN, J.P., Footlands.

O. F. MARCO, Postmaster, Tralee.

J. W. NEIGHAN, M.P., Tralee.

R. W. DUNSON, Tralee.

THOMAS MAX. T. KENNY, (late Captain 4th Battalion Royal Munster Fusiliers).

FRANCIS CRUTE, J.P., Ballyree.

THOMAS HODGSON, Tralee.

P. SWEENEY, Rector of Ballynacorney.

FRANCIS B. CRUTE, J.P.

CHARLES D. B. CHAGIN, Binnerville, Co. Kerry.

SAMUEL COTTELL, 2, Edward-street, Tralee.

RICHARD G. ROBERTS, M.P., Tralee.

WILLIAM HILLIARD, Deney-street, Tralee.

ALEX. RAYMOND, Esq., Postmaster, Kerry.

## No. V. (b).

See Evidence, p. 39.

The MEMORIAL of the Very Rev. DEAN COFFEY, Parish Priest of Tralee, Co. Kerry, praying that a portion of the sum that may be available for the Endowment of Schools capable of affording education to enable Students to present themselves at the Intermediate and Royal University Examinations, may be allocated to Tralee.

The following memoranda are respectfully submitted for the consideration of the Commissioners:—

1. That the last census shows the population of Tralee, which is the county town of Kerry, to be 3,396. Of these, there are about 1,000 Protestants of all denominations. The Catholic population of the parish of Tralee, which consists of the town and large country district attached, is about 11,000.

2. In the way of primary education, there is nothing to complain of. There are three large convent schools in the town. There is a day school conducted by the Christian Brothers, and two large National Schools in connection with the Board of Education. From the following statistics, which I have kept for the past three years, it appears that the schools for primary education are very fully attended. The following table gives the average daily attendance for each year ending December 31st, in the schools of the parish. The figures, however, do not take into account the children attending the Industrial Schools under the management of the Christian Brothers and Sisters of Mercy, nor the children attending the workhouse schools, nor those attending the private schools in the town. They only give the average daily attendance at the schools of the parish (male and female) in connection with the National Board, and also the children attending the day school conducted by the Christian Brothers:—

For year ending Dec. 31st.	Average daily attendance.		Total.
	Boys.	Girls.	
1884, ...	829.8	903.6	1733.4
1885, ...	806.6	832.4	1639.0
1886, ...	859.92	928.8	1788.72

I make the above statement to show that so far as the wants of primary education are concerned, there is nothing to complain of.

3. With regard to higher education, the town and parish are very much in want of the means of higher education. There is no school in the town worthy of the name. There is a day school in charge of the Dominican Fathers. It was founded some twenty-five years ago, but for some reason or another which I cannot explain, it has not been a success. Since the introduction of the Intermediate system, no boy from the school has succeeded in getting exhibition or prize; and at present, and for a considerable time past, the school has been attended by a few children only. It is manifest, therefore, that the curriculum of the school could not possibly be of that extensive and varied scope which education for the needs and purposes of the Intermediate and Royal University requires. There is another academy in the town conducted by a Catholic layman, but, though established for the past three years, it is attended by a few only, and the results of the Intermediate examinations within the period are nil. There is an Intermediate class conducted by the Christian Brothers in connection with their day school, at which some very fair successes have been scored this year—one being an exhibition of £15 for three years—but the staff of the Christian Brothers' School, being small, of course, if teaching energy be concentrated on a few boys, who will be likely to succeed at the Intermediate examinations, it must necessarily mean a subtraction of that attention which should be devoted specially to the purposes of primary education.

From the state of facts indicated, it is evident the

town is sadly in want of a school, having for its scope and purpose, such a curriculum as would give students ample facility for the special preparation for success at the Intermediate and University Examinations.

4. With regard to endowments for the purpose, the only one with which I am acquainted is the Jeffers' Endowment, which, however, is of a prospective character. The late Mr. Patrick D. Jeffers, by his will dated the 22nd July, 1871, after mentioning certain sums to be disposed of for private and family purposes, directs the "residue of his property of every nature and kind, be employed for the purpose of founding a perpetual charity, the object of which would be to give a good education to boys, natives of Tralee or its immediate neighbourhood, children of the labouring and working classes, and not of gentlemen or of persons born or belonging to a higher class, whose talents and qualities may afford reasonable hopes of their rising in life, if well educated, and to forward them in college, professions, mercantile, scientific or commercial pursuits."

For the purpose thus specified, Mr. Jeffers left a large sum, the present value of which is about £18,000. Of this, however, a sum of £11,309 3s. 6d. is set apart in order to secure annuity for Mrs. Jeffers, during her life. The difference or nearly £7,000 is vested in various securities; and the yearly interest accruing therefrom is applied by the trustees to the accumulation of the capital, to be utilized only on the death of Mrs. Jeffers. The yearly interest of this surplus investment is about £335, and sometime since I had interview with Mr. John C. Nelligan, q.c., the Recorder of Kerry, who is one of the trustees, as to the advisability of applying this large yearly interest of £335, to the support of a school embodying the idea of Mr. Jeffers, and at the same time supplying what may be wanted for the needs of the Intermediate and Royal University Examinations. Mr. Nelligan very kindly said that he would entertain any project that may be put before him on the matter, but at the same time said, he would do nothing without first consulting legal opinion. With this view I forwarded the following letters and papers, giving details of Mr. Jeffers' will and plan of school which I proposed submitting from the Jeffers' Trust.

St. John's, Tralee,

March 23, '87.

MY DEAR MR. NELLIGAN,

As the labours of the Royal Commission necessarily took up all your time, I deferred putting my scheme before you in reference to the opening of the Jeffers' Institute here. Now that the present investments bring about £350 a year, clear of all charges, I think with such a handsome subsidy, it is a great pity not to open a school of the kind, which would enable boys to compete at the Intermediate and Royal University examinations. In the words of the will which I give, in Mr. Jeffers' own words (paper No. 1), the curriculum of the proposed school is perfectly in accordance with what is required for these examinations, save what may be necessary in the way of the classics. This, however, can be easily got over by tacking on to the school, a classical department. I propose to give a thorough education in all the subjects prescribed by Mr. Jeffers in the curriculum which he makes out, and the salary of the classical master could be had from fees of the pupils attachable to the school, and who should be paying pupils. Of course, the school in all its features need not necessarily be a *free school*.

The requirements of the will, will be sufficiently carried out by giving strictly gratuitous education to the boys of the class specified, but then there will be many others who would be glad to take advantage of the high class

education afforded by an Institute of the kind and who will seek admission through fees. I propose that in connexion with the school, a series of evening classes be held, where young men, employed during the day, may prepare themselves for degrees in the Royal University. This, of itself, would bring a large figure, so that ample funds would be forthcoming for the payment of masters in subjects not contemplated by the will. At present when boys leave the primary schools of the parish, there is nothing to occupy their attention except newspaper literature, nothing to stir up the spirit of study, or occupy their serious attention; but if a school such as is contemplated be got up, their attention and ambition would be directed less to healthy channels, and one, it is needless to say, most useful to their future.

I give two papers.

(1.) My friend Mr. Jeffery's will.

(2.) Showing how future Institute may be organised, and plan of working.

With great respect, believe me,  
Very truly yours.

JOHN COFFEY.

J. C. Nellgar, Esq., &c.

#### Paper No. 1.

1. Boys to be admitted are, viz. —

"Children of the working and labouring classes whose talents may afford reasonable hopes of their rising in life if well educated."

2. The trustees empowered to select boys having promises as detailed in (1), and from the poor schools of the parish.

3. The trustees are to open the school "as soon as they conveniently can, and to have a scheme carefully prepared and embodying details of management."

4. Curriculum of school specified in the will —

1. Religion.

2. English to all its branches — includes literature and composition.

3. Mathematics.

4. Natural Philosophy.

5. French and German.

6. Latin and Greek (when sufficiency in all preceding is assured).

#### Paper No. 2.

##### Scheme of future School.

1. Inasmuch as the trustees have the power of selecting the pupils admissible to the school, and from the poor schools of the parish, it will contribute to the efficiency of all such primary schools — Christian Brothers' and National — if admission into the Jeffery's Institute be had only through competitive examination, a certain standard therefore to be prepared, and boys coming up to, only admissible. This, as observed, will secure good working in the primary schools of the parish, and at the same time furnish great facility for selecting boys of promising ability for the future Institute.

The standard proposed to consist of, viz. — English Grammar; Writing from Dictation; Arithmetic, as far as Simple Interest; Geometry, Books I and 2; Algebra, to include simple equations of one unknown quantity.

2. Every such entrance examination to be held on or about the 1st August in each year.

3. That the number of pupils on the Jeffery's Foundation should consist — the first year — of thirty pupils, but in each successive year, the admissions should not exceed ten.

4. The daily routine of the school should be in charge of at least three Masters — The Languages' Master to get £100 a year salary; each of the two English and Mathematical Masters to get £100 a year.

With a view to stimulate the exertions of the masters and concentrate their energy on the work and progress of the school solely, it is proposed that all the fees arising from successes at the Intermediate and University Examinations be divided between the masters in such proportion as may seem best to the trustees, having regard to the nature and character of the subjects taught.

5. In addition to the subjects required for the Intermediate and Royal University Examinations, it is proposed to connect the school with the Science and Art Department, and classes to hold in connexion. The fees and other such emoluments derivable from successes to be divided amongst the masters, subject to the approbation of the trustees as specified in previous note.

6. That in connexion with the school, an evening class — to last from the 1st September to the 1st May — be formed for the benefit of the young men of the town, who may be anxious to secure degrees in Arts at the Royal University, and that they be charged for such attendance a sum not exceeding 4s a year.

7. That everything of a political character be strictly excluded from the school.

Mr. Nellgar, submitted the whole of the above project to Mr. Jelliffe, &c., and I received his decision on the 27th May last, in which he states —

"That my plan is calculated to defeat the objects of the charity as defined by the Testator's will," and, "that the trustees having regard to the terms and directions of the will, would not be safe in carrying out the scheme suggested."

I have taken no further steps in the matter. Considering the age of Mrs. Jeffery — also being now about fifty-six years — and the adverse opinion of counsel, the trustees could not be expected to open a school immediately, leaving for its object the high class education contemplated by Mrs. Jeffery.

This is a great loss to the youth of the town, in which, as I said, we have no school capable of affording anything approaching a high class education.

On the part of my parishioners I beg to bring the wants of this important town and district, in this particular, under the notice of the Commissioners, praying their fullest consideration of the matter and requesting a share in the endowments which may be at their disposal in the future.

Signed,

JOHN COFFEY, D.P., &c.,

Dean of Kerry.

St. John's, Tralee,

October 7, 1887.

To the Educational Endowments Commissioners.

#### No. VI. (A.)

MEMORANDUM submitted by the Rev. DENIS KELLY, VICE-PRESIDENT OF KILLALOE DIOCESAN COLLEGE.

See Evidence, p. 58, et seq.

Dioesan College, Ennis,  
October 13th, 1887.

To the Secretary Educational Endowments Commission.

SIR, — As the representative of the trustees of the Diocesan College, Ennis, and of the Catholic population of Ennis and the vicinity, I had intended to make a formal claim before the Commission to have the endowment transferred from the Ennis Erasmus Smith School to the Diocesan College. In the abstract of intended evidence, which I had sent to the Comma-

sion before the sitting in Ennis, one of the points was this: —

9. If permitted by the Commission to do so, I will state my view as to the rights of persons of all denominations to a share in the Erasmus Smith Endowment.

In the course of my evidence the opportunity of making the claim did not arise; but I learned after the sitting had concluded that it was perfectly allowable to have done so. In the interests, therefore, of the parties above-mentioned, I now formally make that claim; and I request that the following statement,

which I had prepared previous to my appearance before the Commission, and was ready to submit upon oath, be added to my evidence.

Erasmus Smith determined to devote his Irish estates to charitable uses. The use he selected was the founding of schools for the middle and lower classes. Still the education was to be secondary education, in Greek, Latin, and Hebrew, as well as in writing and casting accounts; and those who so desired were to be prepared to enter Dublin University. The charter was expressly granted for "founding Grammar Schools."

The charter says:—"That the said free schools shall from henceforth for ever hereafter be . . . and be used for free schools for the teaching and instructing of twenty such poor children or scholars, who shall dwell or inhabit within two English miles of the said respective schools, and also for the teaching and instructing of all and every of the children of the tenants of the said Erasmus Smith, his heirs . . . at what distance soever from the said schools such tenants shall dwell or inhabit."

The purpose of the foundation is here clearly set forth. The schools are founded, in the first instance, for the benefit of the lower classes residing within two miles of the schools; and, secondly, for the benefit of the farming classes residing on the estates of the founder. We should inquire to what race and religion those children belonged that were the objects of this bounty.

The Deed of Trust throws light on this inquiry. Erasmus Smith therein sets forth as the motive of his action:—"Whereas most of the time which in former times have reigned in this nation have proceeded of the lack of bringing up of the youth of this realm either in public or in private schools whereby through good discipline they might be . . . in literature and good manners, and so learn to lead those heinous and manifold offences, which when they come to years did daily perpetrate and commit."

And again:—"For the great and ardent desire which he hath that the poor children living upon any part of his lands in Ireland should be brought up in the fear of God and good literature and to speak the English tongue."

And lower down in the same instrument he says:—"The intentions of all parties to these presents is that the children of the poor tenants inhabiting on the lands aforesaid and the children of such as are poor or lived by their labour are to be taught at the said schools free and without paying anything for their teaching to the said masters."

Now, who were those persons that, in the mind of Erasmus Smith, having come to years "did daily perpetrate and commit heinous offences?" Certainly not the Cromwellian soldiers; but the native Irish Papists. The persons that required to be "taught the English tongue" were the native Irish Papists. They were the persons that required to be taught "literature, and good manners, and good discipline," that they might quietly and peaceably submit to the new proprietors—the soldiers and adventurers.

This proposition is the more evident when we recall the condition of Ireland in that year, 1687. The subjugation of Ireland by the Cromwellian armies had been completed in 1652. The Act of Settlement was being carried into effect by the Commissioners, who sat at Loughrea. The native Irish landed proprietors were, with their families, servants and cattle, wandering their weary way to Connaught. The common people remained behind, defenceless and unprotected, as the tenants, cottiers, and servants of the new proprietors. (See "Prendergast's Cromwellian Settlement of Ireland," pages 97, 98, and *passim*.)

Some of the native Irish, under the name of Tories, were turbulent, and troublesome to the new settlers. It was naturally thought that the natives would become peaceful, useful undelinquents if they were taught "to speak the English tongue," if they were "instructed in literature and good manners."

Erasmus Smith was himself a London grocer, that "adventured" a small sum of money for the purpose of carrying on the Parliamentarian War in Ireland, and got large confiscated estates in return (see Prendergast p. 395). He believed that all the troubles in Ireland—"the heinous and manifold offences"—arose from the ignorance of the native population, "from lack of the bringing up of the youth in public or private schools," and therefore his first, main, chief intention was to educate that population—the native Irish Catholics—in "good literature and to speak the English tongue."

He would not, of course, allow Popery or the Irish language, to be taught in the schools, for these were the instruments of propagating "heinous and manifold offences." The education of the Irish Catholic population was the substance of his intention; the teaching of some form of Protestantism was an accident of the manner in which that intention was to be carried out. In the Deed of Trust in 1687, the religious teaching was to be Protestant, the Catechism of the Assembly of Divines. In the Charter in 1689, the teaching was to be Episcopalian, Archbishop Usher's Catechism. My contention—that the removal of ignorance and the consequent introduction of a more submissive spirit to the new order of things, was the primary intention of Erasmus Smith—is much strengthened by the fact that he changed so easily from one form of religious teaching to a widely different form of teaching. Let the "Wild Irish" be educated in any form, provided they are educated; but let Popery form no part of the teaching, for that is the cause of their turbulence.

Now, in modern times, all men agree in holding a higher opinion of the Catholic religion, than the opinion held in that age. Therefore, it is my solemn conviction, that the Commission may, and are bound to, carry out the substantial intention of Erasmus Smith, though they cannot do so without departing from the manner he intended.

At present it is impossible to educate the native Catholic population and to retain a Protestant principle as the regulating principle of the schools. The Commission, therefore, is in this dilemma, they must abandon the persons whom Erasmus Smith intended to educate, or they must abandon the manner in which he intended to educate them. Natural justice demands that the Commission should keep the persons and abandon the manner; that they should keep the substance and abandon the accidents.

One of the Erasmus Smith's schools is situated in Ennis, which town has a Catholic population of 5,908, and 509 of all other denominations; but the area that most nearly corresponds with the circuit of two-mile radius from which the twenty poor boys are to be selected, is the parish of Drumcliff, which has a Catholic population of 8,149, and 436 of all other denominations. It is, therefore, evident that the manner of carrying out the founder's intention has become impossible; the substance of that intention should then be preserved by transferring the endowment to the Diocesan College, which among 8,149 Catholics of the parish of Drumcliff, might easily select twice twenty boys, to whom a Grammar School education would be highly useful as the means of earning an honourable livelihood, but who are unable to pay for it.

The Erasmus Smith Board has at present no property in the neighbourhood of Ennis, but from the Report (Appendix, pages 33 and 34) of the Commission of 1854-5, and the evidence given before them, and from other earlier documents, it is certain that the Board had property in this immediate neighbourhood, but through neglect the property was allowed to lapse, and to vest in some person or persons that have no right to it. If the Board or its officers failed to discharge their duty, that is no reason why Ennis should not claim the endowment for the children of the tenants on those lands which should have this privilege attached, as well as for the poor children of the two-mile circuit.

Though Ennis was not one of the three schools men-

tioned in the Charter, it was founded by the Governor on the same lines and under the same conditions as the other three. It seems to me that it is only as far as it has been dealt with under the conditions of the charter that it has had any right to existence at all; for the Act of George I. gave the Governor powers to found English Schools only; but Kinnis has always been a Grammar School. Its existence under the Charter is a *fait accompli*, and should be accepted as such. In the Draft Scheme which the Governor submitted for approval to the Commission, they say:—"Whereas, in or about the year 1773, the Governor of the said schools founded and established a fourth Grammar School at Ennis, subject to the same rules and regulations as were then in force, in reference to the three original Grammar Schools."

I am perfectly satisfied that the *fund* is at present applied contrary to the intentions of Erasmus Smith. The schools have become fashionable learning schools for the rich, and high classes to the exclusion of the tenant and artisan class. The Head Master of Drogbeda took pride in the fact that his boarders came from all parts of Ireland, and were paying £54 each per year. He made the heroic reduction to £104 for two brothers. The same condition of things prevails in the other schools. If that is not a departure from the intentions of Erasmus Smith, I cannot fancy how that intention can be departed from. The Vice-

Chancellor, in his evidence before the Commission, declared that "The schools were doing very good work as high-class schools." That may be so; but that was not the work Erasmus Smith intended them to do. When their funds are re-arranged with a share, or the whole (according to the needs of the population in the different localities) for Catholics, Presbyterians, or others, they will continue to do good work; they will continue to do the work Erasmus Smith intended, though not in the precise manner he intended, for that manner has become impossible by the lapse of time and the change of social conditions.

I may call the attention of the Commission to the fact that the Diocesan College is open to day boys of all religious denominations. The superiors accept a conscience clause in accordance with the conscience clause of the Intermediate Education Act, but require that outside religion the boys should submit to the rules and discipline of the school. The superiors would not wish to encourage the advent of Protestant boarders, but regarding boarders no local necessity can arise.

I remain, Sir,

Your obedient Servant,

(Signed), DENIS KELLY.

The Secretary,

Educational Endowments Commission.

### KILLALOE DIOCESAN COLLEGE.

#### No. VI. (b).

See Evidence, p. 58 *et seq.*

TABLE showing the NUMBER of PUPILS in ATTENDANCE at, and the NUMBER of PUPILS who ENTERED the COLLEGE in every year, from the year 1866, the date of the Opening, to the year 1886.

Year.	Attend- ance.	Number Entering.	Year.	Attend- ance.	Number Entering.	Year.	Attend- ance.	Number Entering.
1866, . . .	100	100	1872-3, . . .	120	86	1879-80, . . .	130	87
1867-7, . . .	106	48	1873-4, . . .	120	88	1880-1, . . .	125	43
1867-8, . . .	63	24	1874-5, . . .	120	63	1881-2, . . .	126	46
1868-9, . . .	107	40	1875-6, . . .	120	80	1882-3, . . .	126	37
1868-9, . . .	108	36	1876-7, . . .	123	88	1883-4, . . .	128	48
1870-1, . . .	116	37	1877-8, . . .	126	80	1884-5, . . .	121	41
1871-2, . . .	123	51	1878-9, . . .	126	40	1885-6, . . .	125	37

Therefore, in a period of twenty-one years, 992 boys entered the Diocesan College, i.e., an average of 47.2 entrances per year. The most flourishing year of the College's career was 1874-5, in which 83 boys entered, and 125 were in attendance; and the least flourishing year was 1867-8, when 24 entered and 63 were in attendance.

The attendances, speaking generally, varied from 106 to 136; the average annual attendance on the twenty-one years is 127.6.

### ERASMUS SMITH'S GRAMMAR SCHOOL, ENNIS.

#### No. VII. (a).

#### MEMORIAL of INHABITANTS of ENNIS.

See Evidence, p. 84 *et seq.*

We, residents of Ennis and its vicinity, acting in concert with influential parties throughout the county of Clare, are strongly of opinion that the maintenance of the Erasmus Smith College in a full and efficient manner is absolutely necessary for the promotion of the education of the children dwelling in the district. We emphatically declare that any diminution of its efficiency would most seriously inconvenience and injure an important section of the community who have no other means or place of education for their sons. We, therefore, earnestly

request the Royal Commission now inquiring into the matter to take such steps as they consider necessary to establish and increase its utility. We hope that it will again resume its former eminent position when the present depressed circumstances of the country pass away.

Passed unanimously.

J. H. GRAFFYER, Clerk,

Chairman.

11th Oct., 1887.

## No. VII. (b.)

## RESOLUTION of the KENIL TOWN COMMISSIONERS.

See Evidence, p. 64 *et seq.*

Resolved—That as we have been informed it is intended to close the Earls Endowed College. Should such be done, we beg to suggest that the Endowment which has been heretofore contributed towards the support and maintenance of said College should not be removed from the county of Clare, but that same

may be applied towards the support and maintenance of some other educational establishment in the locality for the maintenance of poor pupils therein.

Passed.

Signed, JOHN HILL,

Chairman.

## No. VIII. (a.)

## MEMORANDUM of EVIDENCE of Dr. THOMAS LAFFAN, a CITIZEN of CASHEL, CHAIRMAN of its MUNICIPAL BODY, and a TAXPAYER.

See Evidence, p. 74 *et seq.*

The undersigned having been engaged with a patient between the hours of 9 A.M. and 2 P.M. on the day of the Commissioners' sitting in Cashel, October 13th, was thereby prevented from tendering his evidence.

1. He begs first to point out that there is a grievous necessity for a school in Cashel in which the Greek and Latin languages would be thoroughly taught as pointed out in his previous evidence before your Commission.

2. Two documents are herewith enclosed for the accuracy of both the undersigned is prepared to tender proof.

3. The first of these shows that the State alone now endows primary education to the amount of £150 2s. annually in a town of less than 4,000 of population, being an increase of £158 6s. 2d. over the amount given in 1844, when the Corporation Grant was first given.

4. In addition to this the Corporation gives at 2s. a year two houses, one of which at least cost £3,000, while a third house has been supplied by the general public at the cost of over £1,000.

5. It is unnecessary to observe that all these hundreds, which are thus levied on an education suitable to the requirements of the working classes only, come out of the pockets of all classes.

6. The second document enclosed is a copy of the Charter under which the estates are derived, out of the proceeds of which the £200 a year given by the Corporation for educational purposes come.

7. A cursory examination of this Charter will show that the benefits of the property which was originally formed directly by the estates was intended for the benefit of all citizens and not of one class only.

8. That the undersigned is not in a position (although he is in a better one than that of many parents in Cashel), to pay from 200 to 300 a year for the education of each of his boys at a Grammar School, or as it is called in Ireland, a college or a university college, etc., etc., and he himself is indebted to the existence of such a school in times past for an education, which, without such, he would never have been able to obtain.

9. That the undersigned respectfully protests against continuing to allocate the whole funds derived from public taxes and local property for the purposes of primary education exclusively.

10. That the Commissioners are respectfully reminded of the statement of Mr. Matthew Arnold made now many years ago, substantially to this effect, that the middle classes of these kingdoms were the most ignorant in Europe, and that unless secondary schools were endowed and supported by the State were established, these kingdoms would be beaten out of the field of the World's commerce by the better educated French and German middle classes, and your attention is called to the singular exactness with which that prophecy is being now fulfilled as disclosed by the various consular reports appearing from time to time.

11. Under those circumstances the undersigned earnestly prays that the £100 a year at the least now

given to the Male National School in the town shall be given for the nucleus of an endowment of a classical school which would supply the wants of classes, who are now wholly unprovided with facilities for such education.

12. The undersigned recalls the fact testified by him, that so one boy has ever obtained even a pass in Greek out of the Cashel Christian Brothers' Schools, and that if it were not for the deplorable arrangement under which a whole range of subjects are included in the Intermediate result fee list, which nobody before ever thought of including in any list of intermediate subjects, it would not be for a moment possible for the most ignorant parent in Cashel to be imposed upon by the allegation that a classical education was forthcoming in his midst.

13. The undersigned has seen with lively satisfaction that that talented priest, Rev. Dr. Humphries, of Tipperary, has testified to the necessity for the existence of a similar classical school there; though there, as here, there is a Christian Brothers' School.

14. The undersigned specially directs the attention of the Rev. Dr. Molloy, one of the original administrators of the Intermediate Act, to this significant testimony in favour of his views as to the utter sham that Act has proved to be to the struggling Catholic middle classes, even in the richest inland towns in all Ireland.

15. The undersigned is prepared to testify on oath to the foregoing, should the Commissioners deem it necessary to examine him orally.

In asserting his opinions as a taxpayer and representative man, and in daring to defend the interests of his children, he appeals to the majority of the Board to use the large powers with which the Act invests them, and prove that as cultured gentlemen they are as willing as able to earn the gratitude of future generations of Cashel men by placing higher education within their grasp. This memorial at all events will save him from their reproach.

To continue, the undersigned does not care whether a lay or religious person be appointed to such school, provided that he satisfies the State that he is competent to teach Greek and Latin, that he devotes his entire school time to such education, that he allows of some visitation to be named by your Commission, and that he be appointed subject to these reasonable conditions by the Town Commissioners.

I beg to call your attention to the corporate documents forwarded by my direction to you in which the strong moral claim of the people of Cashel was set forth to a share of any endowment which you may have by and by at your disposal for secondary education.

To conclude I also enclose copies of resolutions of the Corporation of Cashel, by which they agreed to allocate as soon as they could obtain permission to do so, a yearly grant for the establishment of a classical school. It is true that the sum proposed to be allocated was to be in addition to the sum now given for educational purposes, but our income was then very different from what it is now, and we had not then

in prospect an impending compulsory purchase Act which will reduce our income one-half. Then again, fundamental changes in primary education involving School Boards, local taxation, &c., which are now among the certainties of the near future, were not then even thought of. When such changes do take place the existing primary grants will be a dead loss to the Commission without bringing any gain whatsoever to the existing recipients. I should also add that (for it was

at my instance the grant was voted) I was then as fully satisfied as I am now of the monstrous injustice of giving all our money for primary education, but I proposed to make the charge an addition to the existing charges solely to avoid the opposition of vested interests.

THOMAS LAFFAN.

Cashel, October 18, 1887.

# No. VIII. (b).

COPIES OF RESOLUTIONS OF THE CASHEL TOWN COUNCIL referred to by Mr. LAFFAN in his MEMORANDUM.

Monday, June 4th, 1877.

Resolved—"That Mr. O'Leary, Town Clerk, be directed to request Mr. E. Dwyer Gray, M.P., to use his best exertions to extend the benefits of the Public Libraries Bill to the smallest municipal towns, and to procure for corporations possessed of property, the power to use such property for the objects of the Bill, as also in the establishment of schools for technical education connected therewith."

Monday, June 14th, 1880.

Proposed by Mr. WHITE, seconded by Dr. LAFFAN:—

Resolved unanimously—"That Mr. Grace be requested to make application to the Court of Chancery for an order empowering the Commissioners to expend £320 per year, portion of the Corporate Funds, for educational purposes, instead of £260, the yearly sum now disbursed in accordance with the Deed of the Right Honorable Edmund Spenser, dated the 19th June, 1843, the £320 to be disposed of as follows:—

- £80 to the Convent School,
- £40 to the Male National,
- £25 to the Protestant,
- £45 for an Intermediate School; and
- £130 Christian Brothers.

The Christian Brothers to get the £175, on the understanding that they will keep a competent classical teacher, and permit the five Commissioners, and the parish priest for the time being, to examine the schools."

Wednesday, January 19th, 1875.

Minutes of proceedings of the Commission of the City of Cashel, at a special meeting held in the Town Hall this day, for the purpose of taking into consideration an application from Mr. Kearney for the use of the house occupied by the late Mr. Delehant, for the purpose of establishing a classical school. Present—John Mullins, chairman; M. O'Sullivan, J. Wood, T. H. Sayers, D. Ferris, M. O'Ryan, A. O'Meara, and Thomas Laffan. Ordered—"That this meeting do adjourn until Mr. Kearney will produce testimonials from his last employer."

Monday, March 1st, 1875.

Dr. Laffan gives notice he will move at next monthly meeting—"That this Body do revert to its former custom of contributing a small annual grant in the encouragement of Intermediate education in Cashel, and that for this purpose a sum of £25 be voted to aid in establishing a classical school for this purpose."

Tuesday, June 15th, 1875.

Moved by Dr. LAFFAN, seconded by Mr. FEENE:—

"That this Body do revert to its former custom of contributing a small annual grant for the encouragement of Intermediate education in Cashel, and that for this purpose a sum of £25 be voted to aid in establishing a classical school for this city."

# No. VIII. (c).

COPY TRANSLATION CHARTER OF ROLAND ARCHBISHOP OF CASHEL, dated 19th October, 1557, containing INSINUATUS AND CONFIRMATION OF CHARTER OF MAURICIVS, ABP. of CASHEL, dated 15th July, 14th KING HENRY III.—1230.

Referred to by Dr. Laffan in his Memorandum—supra, No. VIII. (a).

Roland, by Divine Mercy and favour of the Apostolic See, Archbishop of Cashel. To all to whom these present Letters shall come. Greeting. We have inspected the Letters Patent of the Lord Mauricivus of good memory, formerly Archbishop of Cashel, our predecessor, in these words:—

"Mauricivus by Divine Mercy and by the favor of the Apostolic See. To all to whom these presents shall come. Greeting. Know ye all that We of our special grace and of our certain knowledge and mere motion have given, granted, and by this our present charter have confirmed with the consent of our Dean and our whole Chapter held in the Chapter House, and specially summoned and assembled for this purpose in a solemn discussion, and with mature deliberation concerning the utility of our Archiepiscopal

City or Town of Cashel, to the Provost and twelve Burgesses of the said City of Cashel, or of whatever lesser number they be who now are, and who for the time shall be, for ever, our City of Cashel afterwards which the Most Excellent Prince Henry by the Grace of God King of England, Duke of Normandy and Aquitaine, Earl of Anjou, and Lord of Ireland, by his Letters Patent of the date of the 15th day of November in the 13th year of his reign had given and granted unto us and our successors for ever, in free, pure, and perpetual alms, free from every charge, taxation, or secular service, excepting and reserving to us the Baks House and Shambles of the said Town of Cashel—likewise we have also given, granted, and by this our present charter have confirmed to the said Provost and Burgesses who now are, and who for the

time shall be for ever Free pasture for all and every of the Animals of them and of their tenants whomsoever, and of all persons inhabiting and sojourning in the said town and the Burghage thereof, in all our Lands except meadows, standing corn lands and Mares and power and authority to hold therein a Hundred and Court Baron, and to hear and decide pleas and plaints relating to said Hundred and Court in said town and the Burghage thereof by the Provost of the said town for the time being for ever, from time to time as often as it shall please the said Provost. To have and to hold all and singular the aforesaid Town, pasture, Hundred and Court with all their rights and appurtenances (except the Bake House and Shambles aforesaid excepted) to the aforesaid Provost and Burgesses and their heirs and Successors of us and our successors for ever rendering annually to us and our successors out of the said Town and Pastures with their appurtenances the chief rent of nine marks, and out of the Hundred and Court of the said town one mark of current money of Ireland by equal portions at the Feasts of St. Michael and Easter for every service. Now we, the said Mauriceus the Archbishop, and our successors with the consent aforesaid, will warrant, acquit, and by these presents in all places defend the said Town, Pasture, Hundred and Court with all their rights and appurtenances (except as before excepted) to the aforesaid Provost and Burgesses their heirs and successors for ever against all persons. In testimony whereof we have caused Our Seal, together with the Seal of Our Chapter, to be affixed to these presents. Dated at Cachel on the 13th day of July in the 14th year of the reign of King Henry aforesaid."

Now We, the said Roland, Archbishop, deeming the Charter Donative and Grant of the aforesaid

Mauriceus Our former predecessor to be confirmed and acceptable have approved, ratified and confirmed, and by the tenor of these presents We approve, ratify, and confirm them for Us and Our Successors as far as in us lies, and according to the force, form, and effect of the same with the consent of the Dean and the whole Chapter of our Church of Cachel with whom—presupposing the honesty and utility of the said Town of Cachel—we have had and made a solemn discussion and mature deliberation in this behalf in Our Chapter House, and being specially summoned and assembled in Chapter for this purpose, and We now of Our certain knowledge and mere motion with the consent of our Dean and Chapter aforesaid have anew given and granted and by these presents We give and grant All these the Town, Pastures, Hundred, Court, and the rest of the premises and every parcel thereof to Mauriceus Curney the present Provost and the Burgesses who now are, and who for the time shall be, their heirs and successors in the same manner and form in which the aforesaid Mauriceus Our Predecessor granted the same. In testimony whereof we have caused these Our Letters to be made Patent by appending thereto Our Seal and the Seal of Our Chapter.

Dated at Cachel on the 13th day of October in the year of our Lord 1557.

ROLAND, Archbishop of Cachel.  
 PHILIP, Archdeacon of Cachel.  
 HUGH, President of Cachel.  
 THOMAS, Chancellor of Cachel.  
 RICHARD, Treasurer of Cachel.  
 JNO. SALT, Presby. of Cachel.

## COLLEGIATE SCHOOL, 16, QUEEN-STREET, CORK.

### No. IX.

LETTER of JOHN FAWCETT, Esq., HEAD MASTER.

See Cork Evidence generally, p. 77 et seq.

21st January, 1888.

DEAR SIR,—As my school is a private one, I did not think that any evidence with regard to it would be received by the Commissioners when in Cork. However, I have observed in the papers that evidence has been tendered by and accepted from masters of private schools, and have therefore taken the liberty of making a short statement about the Queen-street School. It was established in 1881. There are at present four assistant masters—two M.A.'s, B.U.I., a Graduate B.U.I., and an Under Graduate and Exhibitioner. The number of pupils on the roll is 79, average attendance, 73. During the past four years we have obtained 4 Junior Exhibitions in Trinity College, Dublin; 1 Senior Exhibition, and 1st Classical Scholarship, 1887, besides First Honours in Classics, Honours in

Mathematics, and a First Prize in French. In the Royal University 2 Exhibitions and numerous prizes at Matriculation, First and Second University Examinations. In the Queen's College, Cork, 7 Scholarships (including 3 Firsts). In the Intermediate 9 Exhibitions and numerous prizes. Last year 18 entered—results, 3 exhibitions, 4 prizes, 14 passes (13 with Honours). The school is virtually Protestant, as there are only three Catholics on the roll at present. The above results entitle us to rank first among the Protestant schools of the South of Ireland.

I am, dear sir, yours faithfully,

JOHN FAWCETT, B.A., F.R.S.,  
 Head Master.

— Ellis, Esq.

## THE GREEN COAT HOSPITAL, CORK.

### No. X. (a).

The Fourth Year of GEORGE I, 1717, Chap. 14, Secs. 10 & 11.

Referred to in the Evidence, p. 91.

And whereas several well disposed persons have, with the consent of the minister and churchwardens of the parish of St. Mary's, Shandon, in the north suburbs of the City of Cork, erected two schools called The Green Coat Hospital of the said parish of St. Mary's, Shandon, in which hospital one hundred poor children of both sexes are already placed and educated in the principles of the Protestant religion established by law in this Kingdom, and have also built a house,

with suitable accommodations for the use of one master and one mistress for the purposes aforesaid, with a convenient library as also a decent almshouse for eighteen poor decayed housekeepers, of the said parish, which several buildings, with the ground belonging thereto, contain in length from north to south one hundred and twenty feet, and in breadth from east to west one hundred feet, bounded on the

east with a row of elm trees, and on the north with a stone quarry, on the west with a row of lime trees, and on the south with another row of lime trees, that front the said buildings, which said piece or parcel of ground does now belong to the said minister of the said parish in right of the said church, and was entirely useless until employed in the said buildings, now to the intent and purpose that the said piece of ground may for ever hereafter be applied to the said piece and charitable uses, be it enacted by the authority aforesaid, that the said piece or parcel of ground, with all the buildings which now are, or at any time hereafter shall be, erected thereon, shall be and are hereby vested and settled in and upon the Right Honourable Robert Earl of Kildare, and James Earl of Bessborough, patrons of the said church, and their heirs; the Right Reverend Peter, Lord Bishop of Cork, and his successors, lords bishops of Cork for the time being; the Mayor of Cork, and his successors Mayors of Cork for the time being, the Honourable St. John Redcliffe, Esquire, Sir Staadish Martstenge, Bart., Francis Edwards of London, Esquire, John Rogerson, Esquire, the Honourable Brigadier-General Robert Scerne, Edward Hoar, and Edmund Knapp, Esquires, Members of Parliament for the City of Cork, Colonel Robert Rogers, Captain James Manla, Philip Crofts, Esquire, John Meade, Esquire, Edward Brown, Esquire, Doctor George Rogers, Mr. Abraham Morris, the Reverend Mr. Richard Baldwin, Mr. John Hawkins, Mr. John Carleton, Mr. Daniel Power, Mr. Edward Webber, Mr. William Masters, Mr. Daniel Thresher, and their heirs, and the minister and churchwardens of the said parish and their successors for the time being, to the intent and purpose, and upon this special trust and confidence, that the said piece or parcel of ground, and the buildings thereon, shall for ever hereafter be applied to and disposed of to the

pious and charitable uses aforesaid; and that the said several persons, their respective heirs and successors are hereby created and erected into a body politic or corporate to that intent only by the name of trustees for the Green Coat Hospital in the parish of Shandon in the City of Cork.

XI. And be it further enacted by the authority aforesaid, that the above named persons, their respective heirs and successors, or any five or more of them being met together in the library of the said hospital, the minister of the said parish for the time being having notice of such meeting, shall have full power to direct the disbursement of all such moneys as shall from time to time be given and received towards the educating and maintaining the said children, and paying their out apprentices, and paying the respective salaries to the said master and mistress, and towards the support of the said eighteen poor decayed housewives, and keeping the said buildings in sufficient repair, and other necessary uses of the said hospital, and that the said trustees constituted by virtue of this Act, or any five of them, and any other trustees, may be enabled to add and elect from time to time such other trustees as they shall see convenient; and that the persons so elected shall have like interest, power, and authority as is hereby vested in the persons above named.

I certify that this is a correct copy of portion of the Act.

Signed for Trustees,

W. J. GALWAY, LL.D.

Rector of St. Anne, Shandon.

December 15, 1883.

## THE GREEN COAT HOSPITAL—CORK.

### No. X. (b)

#### EXTRACTS from the WILL of WILLIAM MASTERS.

Referred to in the Evidence, p. 91.

I give and bequeath the sum of thirty pounds str. for ever to be employed as followeth—£30 the first year to be lent to 4 Protestant tradesmen free of interest for half a year, they giving security to pay it promptly to the day, and if the overman of this charity see fit, may take the same security for another half a year, but no pledges or pawling, if they have any such, let them give it as security to their bondman. I propose in 20 years there will be £400 in bank to be disposed of in my manner at £5 each family, no more nor no less, and because I would have this charity managed carefully, have ordered £10 pr. ann. to the person appointed for t<sup>e</sup> purpose, and after the 20 years w<sup>h</sup> makes the £400, every year then the Minister and Church Wardens of the Parish of Shandon are to employ said £20 pr. ann. in marrying four young women to Protestant tradesmen, having always regard to those girls bred up in the Green Coat Hospital, and that the above £400 may never be wanting, in case sometimes the security for the £5 may fail, then one of the marriages must cease, till said £400 is made good. Item, my Will is that my Ex<sup>rs</sup> do pay unto the treasurer and trustees of the Green Coat Hospital by £20 pr. ann<sup>l</sup> as will bring water from Kerry Hall in Loden pipes to the almshouses and Charity School as well for the ease of the poor old people as a security ag<sup>t</sup> accident of fire, this money to be paid out of Mr. Jno. Taylor's leases of 2 tenement in Mallow Lane, which makes clear 30 pounds p<sup>r</sup> ann<sup>l</sup> for about 20 years the clear rent of said £20 p<sup>r</sup> years after the water is brought, is to go to the poor of the almshouses, reserving £20 every year to buy books of the whole duty of man, and for the use of the Infirmary, all as the treasurer and

trustees shall direct, but care must be taken t<sup>e</sup> sufficient is kept to repair the Infirmary, till, please God to send more benefactors, for fear the above £400 may at some time or other be sunk or lost, have thought it better that said £30 be paid into the treasury of the Green Coat Hospital, and that he and the Minister of the Parish of St. Mary Shandon, do employ every year £30 to the use following, that is to say, where a Protestant family in s<sup>t</sup> Parish, or on the Marsh, that has a trade and can have 2 creditable neighbours to certify his being a careful industrious man, and that they believe 40s. may assist him, see as to put him above want, then is my Will that such a family shall be encouraged, not only one year, but as often as the above persons shall think fit, but where it is found that any family becomes idle, and does not improve by that money, such family is to be refused ever after, unless there is good authority for his reformation, see t<sup>e</sup> every year 8 families will have 40s. each, and £5 every year for ever to the Charity Schools, and for the other £10 to be employed in making of two Protestant serv<sup>t</sup> maidens at £5 each every year, provided they marry Protestant tradesmen, having always regard to those girls bred up in the Green Coat Hospital, and every such couple the first year to be encouraged w<sup>h</sup> forty shillings as a needy family, w<sup>h</sup> will make them a portion of £7 each, and as they improve and behave themselves, that t<sup>e</sup> treasurer and minister for the time being will be mindful of em, but before any girl has the advantage of the £3, the last Mr. or Mrs. where she liv<sup>d</sup> must certify under their hands of her faithfulness and modesty. . . . The rest and residue of all my worldly substance of what kind or nature whatsoever, w<sup>h</sup>

otherwise herein devised disposed of, bequeathed or appointed, and all my Estate, right, title or interest of in or to the same and every part thereof,—I give and bequeath unto the said Stephen Masters, who I make sole Executor of this my last Will.

I do hereby name and appoint Doct<sup>r</sup> Edw<sup>d</sup> Barry, Mr. Thomas Brown and Mr. Nat Barry, or any two of them, trustees and overseers of this my last Will, and if any controversy or doubt shall arise or happen, touching the meaning or interpretation of any thing in this my Will, the same shall be determined by my trustees, or the survivor or survivors of them, and what they shall judge and determine concerning the same shall be binding to all persons herein concerned, the said overseers to have £5 a<sup>y</sup> for minding.

The thirty pounds given to the poor family, the Charity Schools and two marriages yearly forever, is out of the lands of Keelbar, a fee farm lease to Mr. Gamble for £21 7<sup>s</sup> ann<sup>l</sup>, and the lands of Donnerrey, a fee farm lease to Ald<sup>r</sup> Brown for £8, both farms as good as a charity. Note<sup>d</sup>—saying that Lisagave is given to Mrs. Judith Brown, and my interest in

Brown Street given Mr. Tho. Brown, yet forasmuch as I was security for Ald<sup>r</sup> Brown to Mr. Spread and to Mrs. Plumer for her debt, and for sove those incumbrances may not be cleared, it is my Will that both Lisagave and the Ground in Brown Street be made subject to pay any such debts before either of the parties receive any benefit of s<sup>d</sup> Lisagave. . . . All my former Wills are made void by this, given under my hand and seals, this 31<sup>st</sup> day of March in the year of Our Lord, Seventeen hund<sup>d</sup> and twenty Seven, 1727.

W<sup>m</sup> Masters. (seal.)

Signed, sealed and published in the presence of us,

Jane Ward,  
Edw. Barry,  
her  
Catherine a Toller.  
mark.

Probate granted

7th April, 1727.

## CORK PRIMARY SCHOOL ENDOWMENTS.

### No. XI.

Referred to in the Evidence, p. 95.

The following RESOLUTIONS were adopted at CONFERENCE between the DIOCESAN BOARD of EDUCATION and the CLERGY and REPRESENTATIVES of the CITY PARISHES.

- 1—"That with reference to the Education of our Church of Ireland children in primary schools, it is desirable that the city should be regarded as a whole rather than as consisting of distinct parishes with a primary school in each parish."
- 2—"That in the opinion of this conference in order to provide for the wants of the Church children of Cork, in addition to the Model Schools, four primary schools conducted on the best principles should be maintained—one in the neighbourhood of St. Luke's Church; one at the north side of the river not far from the North Gate Bridge; one on the east of the city for the central district; and one on the south side of the city at some site in the neighbourhood of the Cathedral and St. Nicholas Church."
- 3—"That, with a view of carrying out the resolution adopted by the conference held in June, it is desirable that a representative School Board be constituted to manage the district schools mentioned in the resolution, consisting of the bishop, as chairman, and certain other members, clerical and lay, to be hereafter named."
- 4—"That the school board should consist of the bishop, as chairman, the incumbents of the nine city churches, and one lay representative for each parish, to be chosen every three years at the Easter Vestry, and six members to be co-opted by the foregoing members at the first meeting after their election."
- 5—"That we recommend to the Diocesan Council that application be made to the Commissioners to incorporate the Diocesan Board of Education for the purpose of holding educational trusts throughout the diocese."
- 6—"That, in any scheme proposed by the Commissioners, a clause should be introduced to the effect that, without the consent of the present incumbent of any parish, there shall be no interference with existing parochial endowments during his incumbency."
- 7—"That if the Commissioners sanction the formation of the School Board, proposed in Resolution III, the settlement of details as to the sites of the district schools and the distribution of such educational funds as may be entrusted to them should be left to the discretion of the School Board."

\* The Diocesan Council subsequently recommended the following as Trustees (instead of Diocesan Board)—The Lord Bishop, W. E. Meade, Esq., Savage French, Esq., O'Donnovan, and Anderson Cooper, Esq.

## CROFTON ENDOWED SCHOOL, MACROOM.

### No. XII. (a.)

STATEMENT of Rev. D. O'SULLIVAN, Rector of Macroom.

Referred to in the Evidence, p. 124.

This school was established by the will of Mrs. Maria A. Crofton, dated 17th December, 1832.

The school was under the management of the Rev. Robert Kirchhoff, Rector of Clondrohid, from its foundation up to 1859, when he died, and after him, under his successor, the Rev. J. Terence Kyle, until his death in 1863.

In December, 1835, the Parish of Clondrohid was united to that of Macroom and the rector of the united parishes succeeded to the management of the school.

Every child attending the school when able to read has been provided with a Bible since the school was established in compliance with Mrs. Crofton's desire.

The endowment consists of £90 a year, into Irish currency, with a residence. The sum of £35 is paid to the teacher and £5 is reserved for repairs and insurance of premises.

An efficient teacher cannot be procured for a salary of £32 or so sterling. I would therefore suggest that the school be transferred to the neighbouring town of Macroom, as has been done under similar circumstances in the case of a school founded by the same will, by its removal recently from Luchkappe to Ashford, in the county Wicklow.

The salary derived from the endowment, if added to the stipend provided for Macroom School, would

afford an income sufficient to establish a first-class school in a central position.

The children likely to avail of the advantages of the endowment, in accordance with Mrs. Crofton's wishes, can attend a school in Macroom as conveniently as at the present situation of the Crofton School.

The number has been reduced to seven, and in the interest of these children the change I suggest would be most desirable.

DEWIS O'SULLIVAN, A.M.,  
Rector of Macroom.

15th October, 1887.

### No. XII. (b).

STATEMENT OF REV. M. AHERN, P.P., Clondrohid.

See Evidence, p. 134.

MY LORD AND GENTLEMEN,—You will have perceived by referring to the enclosed will of Mrs. Crofton, that the endowment at Clondrohid was intended by the pious foundress to be non-sectarian as a distinction is made between it and the endowment at Wicklow.

A Catholic teacher taught in the school for a period of five years after the death of Mrs. Crofton and had to leave the school because she then agent over the property insisted that the Protestant version of the Holy Scriptures should be read in the school. The Catholic children then left the school and went to the new schools which the parish priest was obliged to have built for the education of the children of the neighborhood. These schools have been under the National Board ever since, but the accommodation is quite insufficient to meet the educational requirements of the district. So crowded are the schools that the manager was threatened to have the grant withdrawn if an assurance were not given to limit the numbers to fifty-seven in each school, whereas the numbers on rolls are 120 and 140 respectively, and the average for last year about 73 and 90.

The affidavit enclosed shows the numbers that had been attending the endowed school for some years up to January, 1886, since which time no child has

attended the school (except the children of the teacher) because there is no Protestant poor child in the neighborhood.

I therefore respectfully submit that it is high time the scandal should be put an end to, and that the endowment which for nearly fifty years has been exclusively applied to Protestant educational interests should now be applied, as it was intended, for the education of the poor children of the locality who are nearly all Catholics.

I take the liberty of suggesting that a portion of the two acres be given as sites for male and female new schools under trustees to be appointed by the Endowed School Commissioners for the proper administration of the endowment and in connection with the National Board, and the present residence (enlarged if necessary) be made available as residences for principal teachers with gardens attached.

I remain, my lord and gentlemen,

Your obedient servant,

MICHAEL AHERN, P.P.,  
Clondrohid, Macroom,  
Co. Cork.

### BRETTRIDGE'S TRUSTS.

#### No. XIII.

##### FORM OF CERTIFICATE.

Referred to in the Evidence, p. 125.

I hereby certify that I have frequently called at \_\_\_\_\_ for the past \_\_\_\_\_ years, and have seen  
at work there, and believe he has served his Apprenticeship faithfully.

Date, \_\_\_\_\_

Name, \_\_\_\_\_

Address, \_\_\_\_\_

### CORK SCHOOL OF MUSIC.

#### No. XIV. (a).

##### STATISTICS FROM THE YEAR 1878 TO THE YEAR 1887.

See Evidence, p. 134.

The School of Music was formally opened on the 2nd December, 1878, and has ever since continued its operations, being from the first opening largely availed of by the citizens of Cork and residents in the vicinity.

The Students (over 10 per cent. of whom are registered as professionals, &c., Governnesses, National School Teachers, &c.), are divided into Day Classes and Night Classes; the fees charged to Day Students being about double those fixed for Night Students, and the proportion of the Day to Night Students being about one

to three. The following have been the numbers of each of the classes since the opening of the School, viz. :—

	Day Classes.	Night Classes.	Total Students.
1878-9	40	125	165
1879-80	58	180	192
1880-1	45	143	175
1881-2	44	135	169
1882-3	39	110	149
1883-4	47	136	187
1884-5	74	118	197
1885-6	68	115	183

Total Number of Students who have passed Examinations  
from 1879 to 1887, viz. :—

Junior Scholastic, . . . . .	429
Senior Scholastic, . . . . .	142
Elementary Grammar, . . . . .	124
Advanced Grammar, . . . . .	61
Diploma awarded, . . . . .	16

For the year 1886-7, the average annual attendance  
has been 174, being—

Day Students, . . . . .	81 per cent.
Night Students, . . . . .	54 " "
Male Students, . . . . .	32 " "
Female Students, . . . . .	68 " "

The following is the analysis of occupations of these  
Students :—

Children of gentry, magistrates, professional men, &c.,	30 per cent.
Children of agents, shopkeepers, &c.,	29 " "
Children of artisans, artists and children of artisans,	20 " "
Professional Students, government, and National school teachers,	12 " "

The proportion of City rate assigned to the School  
of Mass by the General Committee has been, for—

1878-9 . . . . .	£252 18 3
1879-80 . . . . .	256 0 0
1880-1 . . . . .	257 5 4
1881-2 . . . . .	262 18 8
1882-3 . . . . .	306 0 0
1883-4 . . . . .	350 0 0
1884-5 . . . . .	300 0 0
1885-6 . . . . .	300 0 0
1886-7 . . . . .	330 0 0

## THE DUKE OF DEVONSHIRE'S ENDOWED SCHOOLS.

### No. XV. (a).

#### EXTRACTS from the WILL of Lord CORB.

Referred to in the Evidence, pp. 144; 193 et seq; 214 et seq.

"ITEM.—It is my will, and I do hereby charge my  
said son and heir that he and his heirs for ever here-  
after continue and uphold the payment of £30  
sterling per annum to the schoolmaster of the Free  
School by me at my sole charge erected in Youghal,  
£10 to the usher thereof, and to each of the six old  
decayed soldiers or alms-men already placed, or here-  
after to be placed there, £5 sterling apiece with their  
houses. And to pay yearly the like allowances for  
ever to the schoolmaster, usher, and alms-men of the  
Free School and Alms-houses by me lately erected at  
Lismore in the county of Waterford, towards the  
charge of which Free School and Alms-houses at Lis-  
more, and the several persons that are to supply and  
reside there, James Roch is bound by his lease of  
Curran-McBought to pay £40 sterling per annum,  
and also to cause the like Free School, with lodging  
for the schoolmaster and usher and houses for six  
alms-men, to be erected with lime and stone, mason  
work and slate, in the place where I caused the  
foundation to be digged, and whether before these  
troubles I caused great part of the squared timber and

beaved stone and other materials to be brought in-  
place for finishing of that good work, and to assign  
over and pay yearly the like salary and stipend to the  
schoolmaster, usher, and six alms-men, and each of  
them, as is paid to those of the Free Schools and alms-  
men of Youghal and Lismore aforesaid, and this to be  
done so soon as it shall please God to send peace in  
this kingdom. The charge of all which Free Schools  
and Alms-houses, saving the £40 above mentioned,  
payable yearly by James Roch, is to come out of my  
said son and heir's revenue, and he is likewise to keep  
the said School-houses and Alms-houses in good repair,  
and to the schoolmasters, ushers, and Alms-houses  
quarterly and respectively pay their salaries as I  
have formerly done since the erection of these Schools  
and Alms-houses at Youghal and Lismore, and also  
that at Brandon Bridge aforesaid when it shall be  
there finished, as I have appointed it to be."

A true copy, compared by me.

F. CUNRY.

Oct. 16, 1857.

### No. XV. (b).

#### COPY LETTER of Mr. WALLER to Lord CORB.

See Evidence, p. 144; 193 et seq; 214 et seq.

"Now to give your lordship satisfaction in the  
wishes charge you have laid upon me touching Mr.  
Greulich, his carriage in the school. It is too true  
that hath been advertised to your lordship of his severe  
handling his scholars, not using them as became a  
schoolmaster that intended to win them to the love of  
learning, but as an insolent proud man that could not  
define his temperate nature therein, and like a  
passionate man that had lost the use of reason, would  
beat or rather better there, not with decent rods, but  
wands, and hands, about head and shoulders, inasmuch  
as he broke the teeth of some of them with his gripped  
stick; and this rigid and violent course he ran, until he  
perceived that many of his scholars, gentlemen's sons,  
sent from remote parts (and good paymasters to him)  
did fall off, inasmuch as upon a sudden he lost 20 or 30  
of them, some of them boarders in his house. Then  
did he somewhat retire into himself, and, as I conceive,  
looking into his loss, rather than the upholding of the  
school, he did begin to cast off that severity which he  
had indiscreetly and so immediately used, and now  
becomes a man of a more mild and temperate spirit,  
wherein Mr. Deane Naylor and myself have so

thoroughly laboured him, laying open unto him the  
reports spread round about in this kingdom of his  
tyrannical hand held over his scholars as would not  
only cause him to be questioned for such unwill-  
ing abusing of children, but utterly overthrow and dissolve  
that school which was founded by your lordship as  
a great charge, not for any private end of your own  
but the good of the Commonwealth, in breeding up  
youth in learning, civility, and religion, and thereby  
ruin his fortunes expected here, and be a tax to your  
lordship's judgment in placing so unfit a man therein;  
besides we directed unto him the many favours your  
lordship had conferred upon him, proceeding from the  
good opinion your lordship had conceived of him, and  
the presentation lately sent him, which might be judi-  
cious inducements to a grateful heart to endeavour the  
deserving thereof only by a mild, civil, and well-  
tempered carriage in the school that might bring it to  
its former late strength, and so to continue it for your  
lordship's honour, his credit, and fair contentment to  
the country, with much more, too large to be reported;  
to which he did ingeniously confess, that he did well  
understand his errors herein, and did faithfully promise

that all things formerly said in him should be reformed. He had at least 12 or 14 boarders each at £12 a year, besides benefit of schooling, and all these have gone off from him. Only he hath now my sweet Lord Buttrant of whom I must give your lordship a true assurance, that he hath been as chary, and lovingly careful, both for his learning and education, and that in a most temperate and mild way, as the child grows strong in body, perfect in health, good colour in his face, very lively, and prospers well in his learning, otherwise he should have heard from me to his discontent. That his boarders fell off, I am confident, proceeded much from the viperous disposition of his wife, who having gotten a strong hand over him, would most devilishly abuse the children in cutting them short in meat and drink, and railing upon them with most base language, for if any of them had come between meals for drink, they for want thereof would have gone to her pail of water, and yet could not be

allowed to drink it, but were sent away with the terms of request and requests, that would not leave her a drop of water in the house. This we put him in mind of and told him plainly, that unless he moulded her to a new temper, to carry herself soberly and modestly as become a divine's wife, it would hinder any endeavour of his to improve the school. He hath between 40 and 50 scholars, of which number he hath prepared 8 or 9 that soon after Easter go to the College at Dublin. Mr. William Fenton being one of them. And thus have I given your lordship as full a taste of Mr. Goodrich's desamour as I could learn, or have observed, with the promise he hath made to repair all his preceding errors and misdoings, which I am hopeful he will so providently observe as will turn much to the reinforcing of the school."

A true copy, compared by me

October 13th, 1887.

F. R. CURRIE.

### KINSALE ENDOWED SCHOOL.

#### No. XVI (a)

##### LETTER of CANON CUTTER.

Referred to in the Evidence, p. 154.

##### THE TOWN COMMISSIONERS OF KINSALE.—

GENTLEMEN,—I beg to apply to you as the Trustees of the "Kinsale Endowed School," to grant me a lease of the premises, on which the old school, now in ruins, stood. My object is to build a new National School, in which the classics would be taught by a first class teacher. I have also to ask, that you would be pleased to devote the sum annually accruing from said endowment towards supplementing the salary of the teacher.

If you accede to my request, I venture to think

that you will have turned to good account a sum of money so long lying useless, and that you will have the satisfaction of finding that you have brought a good education within the reach of numbers to whom previously no such opportunity was afforded.

I am, gentlemen,

Your obedient servant,

JOHN CANON CUTTER, F.R.,

Kinsale.

12th October, 1887.

#### No. XVI (b).

##### Reply to CANON CUTTER'S LETTER.

Referred to in the Evidence, p. 154.

Town Commissioners' Office, Kinsale,

13th October, 1887.

At a special meeting of the Town Commissioners this day, in reference to the endowment for a school, it was resolved:—

"That we approve of the proposal in reference to the Endowed School as submitted in Canon Cutter's letter, offering to build a new National school on the site of the present building, and to provide a classical

teacher, whose salary would be supplemented by the present endowment, and being of opinion that such would utilise the endowment for the advancement of education, we accede to his request for a lease of the premises subject to the sanction of the Endowed School Commission.

Amount in Munster and Lefester Bank on deposit, to credit of Endowed School on this date, £239 5s. 6d.

M. HEGARTY.

#### No. XVI (c).

We the undersigned Town Commissioners of Kinsale, not having been present at the special meeting held on Thursday last, 13th inst., at which the foregoing resolution was passed, beg to give our full approval to said resolution.

Signed—

JOHN MCCARTHY, T.C.  
JAMES FISK, T.C.  
EUGENE MURPHY, T.C.  
JAMES O'NEILL, T.C.  
MICHAEL KELLY, T.C.  
DANIEL MURRAY, T.C.

MICHAEL HERBERT, T.C.  
D. O'CALLAGHAN, T.C.  
T. H. WALSH, T.C.  
TIMOTHY DRISCOLL, T.C.  
JOSEPH THOMAS, T.C.  
THOMAS HOGAN, C. T.C.

## No. XVI. (d).

Referred to in the Evidence, p. 154.

The MEMORIAL of the Reverend JOHN LINDSEY DARLING, Incumbent of the Parish of Kinsale, County of Cork, presented on behalf of the Protestant inhabitants of Kinsale, sheweth:—

That Memorialist is endeavouring, under considerable disadvantages and many difficulties, to provide suitable education for the younger members of the Protestant families, resident in this neighbourhood.

That solely owing to the want of a suitable building, and the impossibility of finding a proper site for such a building, he is unable to obtain any grant from the National Board for educational purposes, and is obliged to depend on voluntary contributions, quite inadequate to secure the services of an efficient master, and increasingly difficult to raise.

That the Southwell Endowed School was originally founded by a Protestant, entrusted to the governance of a body composed, under the provisions of the Test Acts, exclusively of Protestants; and was, until the year 1873, always under the charge of a Protestant master, invariably a clergyman of the Church of Ireland.

That the Town Commissioners have, in this particular matter, succeeded the ancient Corporation by a mere accident, under Acts of Parliament which were never designed to constitute them trustees of such endowments; and, therefore, should not be regarded as lawful trustees of the school.

That there are no less than three National schools in the town under Roman Catholic patronage, and none under the patronage of any Protestant body.

That the hardship of this state of things is all the more keenly felt by the Protestants of Kinsale, because the endowed school which they formerly attended, has been so long closed.

Under these circumstances, Memorialist requests the Honourable Commissioners to grant to him and other suitable trustees, on behalf of the Protestant inhabitants of Kinsale, the premises and garden of the Southwell School, together with the endowment and acres to be used for the building of school premises, and the establishment of a mixed school, which can be connected with the National Board of Education under Protestant patronage.

Such a school was for some years tried in this town, in a rented house, and was largely attended, many walking long distances to avail themselves of its advantages.

J. LINDSEY DARLING,  
Incumbent of Kinsale.

Dated this 18th Oct, 1857.

## MIDLETON COLLEGE.

## No. XVII.

See Evidence, p. 177.

SCHEME for the RE-ORGANIZATION of the GRAMMAR SCHOOLS of PRIVATE FOUNDATION which are under the government of the Commissioners of Education in Ireland.

Pursuant to the Educational Endowments (Ireland) Act, 1835.

WHEREAS the Commissioners of Education in Ireland are the Governing Body of the Schools of Private Foundation, known as the Grammar Schools of Clonmel, co. Tipperary; Middleton, co. Cork; Navan, co. Meath; and Ballyroan, Queen's co.; and of the endowments severally attached to the same.

And whereas by a scheme termed the Royal School Charter the constitution and general powers of the said Commissioners are extended, amended, and set forth.

From and after the approval of this scheme by the Lord Lieutenant in Council, the following provisions shall take effect:—

1. The Commissioners of Education in Ireland as constituted by the Royal School Charter shall be the Governing Body of the said endowments.

2. All lands, tenements, hereditaments, and premises at present vested in the commissioners, by whatsoever title and for whatsoever estate or interest, for the uses of any of the schools known as the Grammar Schools of Clonmel, Middleton, Navan, and Ballyroan (hereinafter called the School lands), shall be and continue vested absolutely in the commissioners for the purposes of this charter, and to or for as other use or trust whatsoever:

And all securities, sums of stock, sums of money, and property of every description of which the commissioners are at present possessed on behalf of any of the said schools shall continue vested in the said commissioners for the purposes of this charter:

And the said school lands and the said securities, sums of stock, sums of money, and property of every description are hereby amalgamated into one endowment vested in the said commissioners and hereinafter termed the Grammar School (Private Foundation) Endowment.

3. It shall be lawful for the commissioners from time to time to sell or mortgage all or any part of the said school lands, or any other portion of the Grammar School (Private Foundation) Endowment, for such sum or sums as they may think fit, and to execute all necessary conveyances and transfers in respect of such sales or mortgages. And until such sales shall be made it shall be lawful for the commissioners to make leases of any parts of the said school lands at the best reasonable rents for the following terms, that is to say, for agricultural or occupation leases 35 years, for leases of rights or easements 40 years, for repairing leases 60 years, and for building leases 99 years.

4. It shall be lawful for the commissioners to invest, or to change the investments of and reinvest, any sums of money which may from time to time be in their hands, representing portions of the Grammar School (Private Foundation) Endowment, in any securities in which it is, or may at any time be, lawful for trustees to invest trust funds; and the said investments and re-investments shall continue to be part of the Grammar School (Private Foundation) Endowment.

5. The school established at Ballyroan shall be forthwith discontinued.

6. Out of the said Grammar School (Private Foundation) Endowment the said commissioners shall provide, whether by way of annuity or sum in gross, due compensation for the vested interests of any of the present masters of any of said schools whose services may no longer be found requisite; the amount of such compensation may be settled by agreement between such master and the commissioners, or in the case of disagreement the question of amount shall be determined by the Judicial Commissioners appointed by the Educational Endowments (Ireland) Act, 1835.

7. The residue of the said Grammar School Endowment shall be applied by the commissioners in endowing and maintaining, as schools suitable for boarders and day boys, the schools established at Middleton, Clennell, and Navan.

8. In endowing and maintaining the said schools, it shall be the duty of the commissioners to make provision for the reasonable repairs of the school premises, and it shall be lawful for the commissioners from time to time to determine the amounts of the salaries to be paid to the head masters and to any under masters, and to provide for all or any of the following purposes, viz.—purchase of school furniture, and other apparatus; prizes; exhibitions obtainable by pupils, either during school career or subsequently thereto, and tenable on any terms which may be deemed proper; extension or modification of school premises; or for any other purpose whatsoever which in the opinion of the commissioners may be deemed advisable.

9. It shall be lawful for the commissioners to appoint the head masters of the said schools, and the head master of each school shall appoint, with the approval of the commissioners, such under masters of the school over which he presides as may be found necessary. Any head master or under master shall be removable by the commissioners, if they shall be of opinion, after such a visitation as in Section 7 of the Royal School Charter provided, that he has by misconduct or inefficiency subjected himself to deprivation of his office.

10. The head master of each of the said schools shall cease to hold office on attaining the age of seventy years; unless in the opinion of the commissioners it is for the advantage of the school to continue his services for a further period, in which case such head master shall cease to hold office at such time as by the commissioners may be thereafter fixed.

Out of the said Grammar School (Private Foundation) Endowment the commissioners shall annually invest, to the credit of a fund to be called the Private Foundation Pension Fund, such sum as may by them be considered adequate with a view to the requirements of reasonable retiring allowances for head masters. And it shall be the duty of the commissioners to award out of the said pension fund to each head master, upon his vacating his office under the provisions of this section, such retiring allowance as they may deem reasonable.

In the case of the present head master of each of the said schools, such retiring allowance as, in the event of such head master vacating his office under the provisions of this section, shall be considered reasonable may be forthwith agreed upon between such head master and the commissioners; or, upon disagreement, the question of amount may be referred to the Judicial Commissioners appointed under the "Educational Endowments (Ireland) Act, 1855."

If any head master of one of the said schools shall at any time be promoted by the commissioners to be head master of a Royal School, it shall be lawful for the commissioners at their discretion to reserve for such master a claim, in the event of his becoming entitled to a retiring allowance out of the Royal School Pension Fund, to a supplementary allowance out of the Private Foundation Pension Fund, of such amount as they may think proper.

The annual interest of the said Private Foundation Pension Fund shall be paid into the general funds of the Grammar School (Private Foundation) Endowment; and if at any time the said pension fund is, in the opinion of the Commissioners, in excess of the requirements of retiring allowances, it shall be lawful for the Commissioners to transfer such excess sum from the said pension fund to the general funds of the Grammar School Endowment.

Out of the said Grammar School (Private Foundation) Endowment the Commissioners shall, as soon as conveniently may be, transfer to the said pension fund such sum as shall be proposed to be necessary, having

regard to the periods that the present Head Masters of the said schools have already held office.

11. It shall be lawful for the commissioners from time to time to fix, and vary, the fees to be charged at the said schools; to make such regulations to be observed in the said schools as they may deem proper; to assign to the general performance of each head master any duties they may consider should be so performed; to call for any returns from each head master, including a return of the work done, and time devoted to school duties by such head master; to determine from time to time the vacations to be allowed, and the course of education to be taught at the said schools; and, to allow additional fees to be charged for special subjects of instruction, in which last case the amount of such additional fees shall be prescribed by the commissioners. All fees charged at any school under the provisions herein shall belong to the head master.

12. Subject to any rules to be prescribed by the commissioners under the authority of this scheme, the head master of each school shall have under his control the choice of books, the methods of instruction, the arrangement of classes and school-hours, and the general organisation and discipline of the school. The head master shall have the power to dismiss any pupil from his school; in such an event he shall forthwith communicate both to the commissioners and to the parent or guardian of the pupil the fact of such dismissal, and the reasons for it; and thereupon any application may be made on behalf of the pupil to the commissioners, who shall have the power, if they are of opinion that a proper case has been shown, to reinstate said pupil in the school.

13. At each of the said schools there shall be a certain number of free places, to be determined by the said commissioners from time to time, separately for each school, according to its circumstances. It shall not be compulsory upon the head master to afford instruction to free scholars in subjects for which additional fees are allowed, as in section 11 mentioned. Where it is necessary to make a selection among applicants for free places, such selection shall be made by examination, if it shall seem to the commissioners that selection by examination would meet the justice of the case; but if on any occasion selection by examination would not, in their opinion, meet the justice of the case, it shall be lawful for the commissioners to make such selection in any other manner. The commissioners may require the head master of the school to hold such examination in such manner as they may prescribe, and to make a return to them of the result thereof.

14. The said schools shall be periodically inspected and the accounts of the said Grammar School (Private Foundation) Endowment shall be audited in accordance with the provisions contained in the Royal School Charter.

15. The commissioners may receive any additional endowments for the general purposes of this scheme, or for any special objects connected with such general purposes not inconsistent with or calculated to impede the working thereof.

16. The commissioners may at any time make application to the Commissioners of Charitable Donations and Bequests, to sanction any amendments or alterations of the provisions of this scheme. Where it is intended to make such application the commissioners shall at least one month previous to such application cause a draft of the said amendments or alterations to be published in such manner as the Commissioners of Charitable Donations and Bequests may from time to time direct for the purpose of giving information to all persons interested, and until such application has been made, the Commissioners shall receive any objections in writing made by any persons interested, respecting such intended amendments or alterations, and the said objections in writing shall be forwarded by the commissioners along with their

application to the said Commissioners of Charitable Donations and Bequests.

If upon consideration of the proposed amendments and alterations, and of any objections in writing thereto, the Commissioners of Charitable Donations and Bequests shall approve of such amendments or alterations, or any of them, they shall signify such approval in writing under their corporate seal, and thenceforth such approved amendments or alterations shall be incorporated into and read as part of this scheme.

## BISHOP CROWE'S CHARITY.

### No. XVIII.

#### A MEMORIAL.

See Evidence, p. 183.

This Memorial is to show the connection which the Crowe Charity has had with the cathedral of Cloyne, and to suggest a mode by which that connection might be maintained, and the efficiency of the Charity in regard of the diocese and the locality of Cloyne increased—both as an educational institute, and also one in regard of technical instruction.

This Charity was founded in the year 1729, by Bishop Crowe, who did by his will "appoint and constitute the Precursor and Treasurer of Cloyne for the time being, the perpetual overseers and trustees of said charity, subject always to give an account of their proceedings to the bishop of the diocese for the time being."

In the year 1727, the Chapter surrendered two houses which belonged to the Economy Estates to the then Bishop Mordaunt, "for erecting a diocesan schoolhouse therein," with the gardens belonging thereto.

In the year 1729, 30s. per month was allowed by the Chapter to Mr. Somerville that he should "instruct the charity boys in singing."

In the year 1771, a legal opinion was taken by the Chapter as to the proposal of the then Bishop Agar,

whether the trustees of Crowe's Charity might apprentice the boys to the service of the Catholic church, who should then agree with a choirster to educate the boys for the choir."

The opinion was—"I am of opinion that the trustees may apply the funds of this charitable trust in the way which the present bishop recommends.

#### THOMAS WOLFE.

30th July, 1771.

In that year, there having been no choir for some time, we find a supply of music books ordered.

In the year 1772 it was agreed "that the Economy shall supply any deficiency in the fund left by Bishop Crowe in charity for the support, education, and maintenance of any number of their boys not exceeding six at the rate of £12 for each boy."

This was done, as appears by account book of Dean and Chapter.

In the year 1775 this grant was increased to £14 each boy.

In the year 1776, it was agreed "that the Economy be empowered to take as apprentices two boys to serve in the choir, or three if necessary, on the same terms as those boys bound by the trustees of Bishop Crowe's Charity, and also be empowered to make up any deficiencies in supporting the boys bound by the said trustees, pro-

vided that the whole expenditure shall not in any one year exceed £50."

The Rev. James Mosher was then Economy. Accordingly we have in the Chapter accounts the following—

		£	s.	d.
Accounts, June 1777.	"The boys of the choir, Of which, received from the Bursary room by Mr. Mosher, Remitted charged to the Chapter."	...	75	4 8½
		...	42	4 0

Similar entries showing that the Crowe Charity boys were members of the choir, and that the Crowe Charity funds were managed by the chapter under the trustees, appear in the years—

		Expenditure.	Crowe's fund.
June 24, 1775.	...	205 7 36	432 2 8
1776.	...	80 8 11½	38 16 0
July 3, 1780.	...	27 17 8	21 7 0

In the year 1803, "The trustees of the Crowe Charity do withdraw the annual payment of £50 which they have heretofore given in support of the choir boys, the Chapter funds appearing to be adequate to their maintenance."

The present schoolhouse was built in the year 1808, on the site granted by the Chapter in the year 1727, eighty-one years after the grant; a fact referred to in the words on the building, "*Donatus aeternis.*"

It thus appears that the charity was connected by trusteeship with the cathedral, that its present site came from the cathedral, that the boys always lived in houses granted by the cathedral, that in 1729 the boys were instructed in music for, and by, the cathedral, that the Chapter aided its funds and managed them under the trustees; that in 1771, the boys were apprenticed as choir boys to the service of the cathedral and that from that year until the year 1803 the foundation boys were choir boys in the cathedral—thus apprenticed for thirty-two years, the Charity having then been always a strictly Protestant charity. Now the suggestion is, that the Charity while maintaining its educational character, should also be made one for the instructing of boys in music, both vocal and instrumental.

That the Commissioners should allow that the fund should pay half the cost of the boys, the parents defraying the other half.

That the boys on the foundation might be selected by the trustees with a view to learning music. The present master is a competent ecologist in music, certificated under the Self system. The cathedral could give facilities for practice and instruction, and as far as it can, grant, as it does, gratuities to the boys for singing. And the neighbourhood would always possess in the master of the school a teacher of music whose services could be availed of by all classes and denominations. Without some such foundation no country neighbourhood can support a teacher of music.

## CLONMEL ENDOWED SCHOOL.

## No. XIX.

See Evidence, p. 218 et seq.

## Letter of F. E. TYDE, and Resolution of certain of the Inhabitants of Clonmel.

Clonmel,

November 16th, 1887.

SIR,—In consequence of some remarks made by Lord Justice Finluggan at the recent sitting of the Educational Endowments Commission at Clonmel, as to the apparent apathy which existed amongst the Protestant Free-men and Burgesses of Clonmel with regard to the Clonmel Endowed School, and the name of Mr. Bagwell, of Marlfield, D.L., having been mentioned therein, as one likely to take a lead in reforming the constitution of the school, he, with some brother Free-men caused the following advertisement to be inserted in *The Clonmel Chronicle*.

In pursuance of this, a meeting was held in the Court-house, Clonmel, upon Monday the 7th November instant, the chair being taken by Mr. Moore of Barme, D.L., as representative of the Founder's family. The attendance was of a representative character including the Church of Ireland and Nonconformist Clergy of the town, several Free-men, Burgesses, and parents of present pupils. I was requested to act as Honorary Secretary.

Mr. Bagwell explained at length the objects of the meeting, and after considerable discussion the following resolution was unanimously adopted:—

"As a meeting convened by public advertisement held at the Court-house, Clonmel, on 7th November, 1887, it was resolved that the following should constitute a Committee for the purpose of treating with the Endowed Schools Commission, and of doing all things necessary towards the procuring of a Scheme for the government of the Clonmel Endowed School."

- |  |   |   |
|--|---|---|
| 1. Stephen Moore, of Barme, Clonmel, Co. Tipperary, Esq., D.L.                       | { | As representing the   |
|  |   | Wife of the Founder of the School, the family of the Palace, Leek Moyntansel. |
| 2. The Marquis of Ormonde or Lord Arthur Bails,                                      | { | As representing the   |
|  |   | Duke of Ormonde, the Joint Patron.  |
| 3. The Right Reverend, The Lord Bishop of Cashel, Sec., D.D., The Palace, Waterford. |   |   |
| 4. The Reverend Canon Latham C. Warren, M.A. (R.C.D.) Rector of St. Mary's, Clonmel. |   |   |

5. The Reverend James Wilson, Presbyterian Clergyman, The Minster, Clonmel.

6. The Reverend John Carson, Methodist Clergyman, Clonmel.

7. Edward Beale, Clonmel, Esquire. { As representing the Society of Friends.

8. Richard Bagwell, M.A., (Coun.) of Marlfield, Clonmel, county Tipperary, Esquire, D.L. {

9. Gerald Fawcett, New Quay, Clonmel, Esquire. { As representing the Free-men of Clonmel.

10. Francis Irvine Tydd, Clonmel, Solicitor. {

11. Matthew Villiers Senkey Morton, of Little Island, Clonmel, county Waterford, Esquire, D.L. {

12. Robert Hemphill, New Quay, Clonmel, Esquire. { Representing the parents (not Free-men) of present pupils.

13. William Clarke, Richmond-place, Clonmel, Esquire. {

14. Thomas Cambridge Grubb, Seir Island, Clonmel, Co. Waterford, Esquire. { As representing past pupils of the school.

Honorary Secretary,  
Francis Edward Tydd, M.A. (R.C.D.)  
Clonmel, Solicitor.

All resident within ten miles of the town of Clonmel, except the Bishop of Cashel, who was included in the list with the express consent of the Nonconformist gentlemen present.

I was requested to forward these names to you for the consideration and approval of the Commission.

I enclose a copy of *The Clonmel Chronicle* containing a report of the proceedings.

I have the honour to be, Sir,

Your obedient servant,

FRANCIS EDWARD TYDD.

To William Edward Ellis, Esq., Secretary,  
Educational Endowments Commission,  
Office—23, Nassau-street, Dublin.

## KILKENNY COLLEGE.

## No. XX.

See Evidence, p. 254.

## SUPPLEMENTARY EVIDENCE of JAMES MAXWELL WEIR, Esq., Head Master.

November 17, 1887.

MR. LORDS AND GENTLEMEN,—As I do not consider that in my evidence before you at Kilkenny I was sufficiently explicit with respect to my connexion with this college, and as both before I appeared before you, and after I left the court, certain evidence was given of a nature prejudicial to my interest of which I was not aware until I saw it reported in the public press, may I be permitted to submit to your notice the following facts which I can prove most unquestionably:—

During the first seven or eight years of my tenure thirteen of my pupils entered T.C.D., several of whom obtained honours subsequently.

Two of them got senior moderatorships and gold medals, one a junior moderatorship and silver medal, one a mathematical scholarship, and one a classical scholarship. All these gained several honours of the first rank.

Seven entered the Q.C. Cork—five as scholars, and two as ordinary students. Of these two got first scholarships in mathematics, and several honours and prizes, one got first scholarship in classics, many prizes, including the Peel Exhibition and two gold medals at degree examinations.

During these and subsequent years over fifteen pupils passed for various professional preliminary examinations, such as the College of Surgeons, Soli-

two Apprentices, Banks, Royal University, three for entrance in T.C.D., &c.

I can when required submit the names of all, and prove the facts, and regret that on the day I appeared before you I had not my reference books. I also mistook the hour, as I thought proceedings would not commence before 12 o'clock.

Under these circumstances I leave it to your consideration whether the Kilkenny College has been so badly conducted under my supervision as it has been represented to you.

In the hope of raising a small fund for prizes at examinations, I on one occasion put an advertisement in *The Moderator*, by way of an appeal to the clergy and gentry, requesting subscriptions for the purpose would be paid to the Rev. Dr. Hentley, Ex-Sec. T.C.D., as treasurer. To this there was not a single response,

and after two months I discontinued it in disgust, paying the expense, which amounted to two pounds. Such is a notable instance of my experience of the *Great Ill* interest displayed by the people here in the welfare and prosperity of Kilkenny College.

I may add that the Board of T.C.D. by a letter to me from Dr. Hart, Vice-Provost, have undertaken that the sum of £331 10s. shall be refunded to me or my representatives, being half the amount of £663 paid by me as a building charge on my appointment.

I have the honour to be, my lords and gentlemen,

Your obedient servant,

JAMES MAXWELL WEIR.

The Commissioners of Endowed Schools.

## THE ROYAL SCHOOL ENDOWMENTS AND OTHER EDUCATIONAL ENDOWMENTS ADMINISTERED BY THE COMMISSIONERS OF EDUCATION IN IRELAND.

### No. XXI.

See Evidence, p. 381 et seq.

DRAFT SCHEME under the Educational Endowments (Ireland) Act, 1885, for altering the constitution of THE COMMISSIONERS OF EDUCATION IN IRELAND, and for the future government and management of THE ROYAL SCHOOL ENDOWMENTS, and of other Educational Endowments administered by the said Commissioners.

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*The Ulster Royal Schools.*

Whereas in the reign of King James I., upon the distribution and plantation of the lands escheated to the Crown in the province of Ulster, it was directed by His Majesty that there should be one Free School at least appointed in each of the Counties of Armagh, Tyrone, Donegal, Fermanagh, and Cavan, for the education of youth in learning and religion; and by letters patent dated April 20, 1616, it was directed that certain lands assigned in the Plantation of Ulster for the maintenance of the Grammar Schools in that province should be conveyed by grant from the Crown to the Archbishop of Armagh, that by him they might be distributed and allocated in form of law to the several schools as he should think fit, and the distribution of the said lands was committed to the said Archbishop or the person best able to select the most apt places for the establishment of such Grammar Schools:

And whereas King Charles I., by letters patent dated December 15, 1637, granted to the Archbishop of Armagh, and to his successors for ever, certain lands assigned as aforesaid, for the use of the masters of the Free Schools established at the town of Mountnorris, in the county of Armagh, at the town of Mountjoy, in the county of Tyrone, at the town of Donagall in the County of Donegal, at Lisgoole (now called Portora) near the town of Enniskillen in the County of Fermanagh, and at the town of Cavan in the County of Cavan, respectively:

And whereas the schools so established at Mountnorris, Mountjoy, and Donagall, were afterwards removed to Armagh, Dungannon, and Raphoe, respectively, and the five above-mentioned schools have since been maintained and are still in operation as Grammar Schools, and are known as the Royal Schools of Armagh, Dungannon, Enniskillen, Cavan, and Raphoe respectively:

*Carysfort Royal School.*

And whereas King Charles I., by letters patent dated August 23, 1629, granted to the Sovereign, Burgesses, and Free Commons of the borough and town of Carysfort, in the County of Wicklow, and to their successors for ever, the lands therein mentioned, to the use of such schoolmaster as the Lord Deputy or other Chief Governor or Governors of Ireland, for the time being, should appoint to reside and teach in the said town of Carysfort; and for want of such schoolmaster, then to the use of the said Sovereign and Burgesses and their successors for ever, towards the maintenance of a Free School in the said town, and

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of such schoolmaster or schoolmasters as they should appoint to teach school there, until another schoolmaster should be appointed by the Lord Deputy, or other Chief Governor or Governors aforesaid, and then to the use of such schoolmaster or schoolmasters for ever:

And whereas a school was afterwards established, and has since been in operation as an Elementary School, near Carysfort aforesaid, and is known as Carysfort Royal School:

*Banagher Royal School.*

And whereas King Charles I., by letters patent dated September 16, 1629, granted to the Sovereign, Burgesses, and Free Commons of the borough and town of Banagher, in the King's County, and to their successors for ever, the lands therein mentioned, to the use of such schoolmaster as the Lord Deputy or other Chief Governor or Governors of Ireland, for the time being, should appoint to reside and teach in the said town of Banagher; and for want of such schoolmaster, then to the use of the said Sovereign and Burgesses and their successors for ever, towards the maintenance of a free school in the said town, and of such schoolmaster or schoolmasters as they should appoint to teach school there, until another schoolmaster should be appointed by the Lord Deputy or other Chief Governor or Governors aforesaid, and then to the use of such schoolmaster or schoolmasters for ever:

And whereas a school was afterwards established, and has since been in operation as a Grammar School, at Banagher aforesaid, and is known as Banagher Royal School:

*The Commissioners of Education in Ireland.*

And whereas by the Act 53 George III., cap. 107, the Lord Primate of all Ireland, the Lord High Chancellor of Ireland, the Lord Archbishop of Dublin, the Lord Archbishop of Tuam, the Lord Chief Justice of Ireland, and the Provost of Trinity College, Dublin, all for the time being, with four of the Bishops of Ireland, and four other persons, to be appointed by the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being, were constituted and appointed as a Corporation with perpetual succession and a common seal, by the name of "The Commissioners of Education in Ireland," for the regulation of the several Endowed Schools of public and private foundation in Ireland in the said Act mentioned; and it was by the said Act, among other things, enacted (sec. 4) that it should be lawful for

the said Commissioners and their successors from time to time to appoint a secretary to the said Commissioners, with a salary not exceeding the sum of £700, and also such other subordinate officers or clerks as they should think proper, for carrying into execution the purposes of the Act, and to certify to the Lord Lieutenant or other Chief Governor or Governors of Ireland, for the time being, such sum or sums of money as they should deem adequate to defray the expense of said officers, and the incidental expenses of the Board; whereupon it should be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, to direct the issue, out of the Consolidated Fund of Ireland, of such sum or sums of money to defray the expense of such officers, and the incidental expenses of the Board, as to the said Lord Lieutenant or other Chief Governor or Governors for the time being should seem fitting and convenient; and it was by the said Act (sec. 5) further enacted that it should be lawful for the said Commissioners and their successors to hold any lands or hereditaments whatsoever for the purposes of the said Act; and (sec. 9) to visit each or any of the endowed schools therein described as subject to the jurisdiction of the said Commissioners, and to do all other acts appertaining to the office of visitors relating to such schools; and it was by the said Act (sec. 11) further enacted that the several lands granted under the heretofore recited instruments for the use of the Masters of the Royal Schools of Arragh, Dunganon, Renskillen, Raphoe, Cavan, Banagher, and Carrifort should be vested in the said Commissioners and their successors for ever, and that the rents, issues, and profits thereof should from time to time be received, paid, and applied by the orders of the said Commissioners as by the said Act directed; and it was by the said Act (sec. 12) further enacted that it should be lawful for the said Commissioners from time to time to invest in Government securities any sums of money belonging to any of the schools the estates belonging to which were vested in them, and that such proportion as they should think proper of the issues and profits of all funds or estates applicable to the support of each such school should be applied for the use and benefit of the Schoolmaster thereof for the time being, and such other proportion as they should think proper should be applied for the use and benefit of such Under-Master or Masters as the said Commissioners should think necessary for such school; and, after payment of such salary or salaries to such Head-Master and Under-Master or Masters, to apply such sums as should be deemed necessary in or towards the purchasing, procuring, building, enlarging, repairing, or furnishing the school-house with grounds, appurtenances, and other necessary or useful accommodations; and, if any residue should remain, then to apply such residue to supporting, maintaining, and providing such and so many free scholars, and to the endowment of such and so many exhibitions to Trinity College, to be held by such persons and under such regulations as to the said Commissioners should seem proper; and provision was also made by the said Act for the control and management by the said Commissioners of the several schools of private foundation, and diocesan and other schools, in the said Act mentioned, and for the exercise by the said Commissioners of the several powers and authorities by the said Act conferred upon them in that behalf:

And whereas by the Act 3 George IV., cap. 79, the constitution of the Commissioners of Education in Ireland was altered, and it was provided (sec. 8) that whenever any residue should remain of the funds of any of the Royal Schools of Arragh, Dunganon, Renskillen, Raphoe, Cavan, Banagher, and Carrifort, after defraying the expenses of the Master and of the Under-Master or Masters, if any, and of all enlargements and improvements of the school-house, grounds, appurtenances, and furniture thereof which should be thought necessary, it should be lawful for the said Com-

missioners, if they should think fit, to cause such residue or such part or share thereof as they should deem sufficient, to be applied to the like maintenance and improvement of any other or others of the said schools whose funds might stand in need of such aid, and that if such residue should be more than sufficient for that purpose, then so much as should remain thereof should be applied in the manner in the Act 33 George III., cap. 107, directed; and it was by the said Act (sec. 11) enacted that all the powers of the said Commissioners should extend to all schools of the nature and description in the said Act mentioned which had been or should be erected in Ireland; and the powers of the said Commissioners were amended as in the said Act appearing:

And whereas by the Act 17 and 18 Victoria, cap. 24, it was enacted that the charges and payments for the salaries of the secretary and other officers of the said Commissioners, and for the expenses of the Board, should cease to be charged on and payable out of the Consolidated Fund of the United Kingdom, and should thenceforth be paid out of such aids or supplies as might be from time to time provided and appropriated by Parliament for the purpose; and the said salaries and expenses have since been provided and paid accordingly:

And whereas, under and by virtue of the heretofore recited Acts, the said several Royal Schools, and certain schools of private foundation, diocesan schools, and other schools, with the estates, lands, buildings, tenements, hereditaments, funds, securities, moneys, goods, chattels, and other property, real and personal, thereto respectively belonging, have since the passing of the said Acts been vested in the said Commissioners of Education in Ireland, or placed under their jurisdiction, management, or control:

And whereas all the property, real or personal, now vested in or held by the Commissioners of Education in Ireland under the heretofore recited Acts or otherwise, and all other estates and property now held upon trust for or applicable to the purposes of the above-mentioned schools, or any of them, now constituting educational endowments within the meaning of "The Educational Endowments (Ireland) Act, 1885," and the said Act applies to the same:

And whereas it has appeared to the Commissioners under "The Educational Endowments (Ireland) Act, 1885," after due inquiry, that in order to extend the usefulness of the said endowments, provision should be made for altering the constitution of the Commissioners of Education in Ireland, and for the future government and management of the said endowments, in manner hereinafter appearing:

Therefore, from and after the date of this scheme (being the day upon which the Lord Lieutenant shall by Order in Council declare his approbation thereof), the Commissioners of Education in Ireland shall be constituted, and the said endowments shall be held, governed, managed, and applied, for the purposes, with the powers, under the conditions and provisions, and in the manner hereinafter set forth, and not otherwise, any previous Act of Parliament, letters patent, statute, charter, deed, instrument, trust or direction, relating to the subject-matter of this scheme, to the contrary notwithstanding.

#### *Preliminary.—Interpretation of Terms.*

1. For the purposes of this scheme, unless the context otherwise requires, the following terms shall be interpreted as follows:—

"The Act" shall mean "The Educational Endowments (Ireland) Act, 1885."

"The Lord Lieutenant" shall mean and include the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being.

"The Commissioners" shall mean the Commissioners of Education in Ireland, incorporated under the heretofore recited Act, 33 George III., cap. 107, and continued under this scheme as hereinafter provided.

"The Local Boards" shall mean the several Boards of Education hereinafter constituted for the administration of Educational Endowments in the several districts defined by this scheme.

"The Ulster Royal Schools" shall mean and include the several schools established by Royal Letters Patent as hereinafter recited, and in the said Act 53 George III., cap. 107, described as the Free Schools of Armagh, Dungannon, Enniskillen, Enniskoe, and Carran.

"The Estates Commission" shall mean the committee elected by the local boards for the management of the estates of the Ulster Royal Schools as hereinafter provided.

"The Endowments" shall mean and include all the estates, lands, buildings, tenements, hereditaments, funds, annuities, moneys, goods and chattels, and all rents, interest, dividends, and income thereof, due or accruing, and all other the property, real and personal, at the date of this scheme vested in or held or possessed by the Commissioners, or by any other person or persons, upon trust for or applicable to the purposes of the schools vested in the Commissioners, or governed or managed by them, or placed under their jurisdiction or control.

"The General Synod" shall mean the body known as "The General Synod of the Church of Ireland," or other the supreme legislative authority for the time being of the Church formerly established by law in Ireland, and in the Irish Church Act, 1869, referred to as the Church of Ireland, hereinafter referred to as the said Church, and shall include any authority duly empowered to represent or act for the General Synod in that behalf.

"The Diocesan Council" and "The Select Vestry" shall mean respectively the bodies known as the diocesan council and the select vestry of the diocese and parish in each case named, appointed in accordance with the constitution of the said Church, and shall include any authority duly empowered to perform the functions now performed by such diocesan council and select vestry respectively.

"The General Assembly" shall mean the body known as "The General Assembly of the Presbyterian Church in Ireland," hereinafter referred to as the said Presbyterian Church, or other the supreme authority for the time being of the said Presbyterian Church, and shall include any authority duly empowered to represent or act for the General Assembly in that behalf.

"The Methodist Conference" shall mean the assembly known as the Yearly Conference of the people called Methodists in the connection established by the late Rev. John Wesley, or other the supreme authority for the time being of the Methodist Church in Ireland, and shall include any authority duly empowered to represent or act for the Methodist Conference in that behalf.

"Intermediate Education" shall mean education in such subjects as may for the time being be included in the programme of examinations of the Intermediate Education Board for Ireland.

"Elementary Education" shall mean such education as may be given in the National schools which are aided by grants from the Commissioners of National Education in Ireland.

#### PART I.—The Commissioners of Education in Ireland.

##### The Commissioners.

2. From and after the date of this scheme, "The Commissioners of Education in Ireland" shall be constituted in manner hereinafter provided, and as so constituted shall continue to be a body corporate, with perpetual succession and a common seal, and power to acquire and hold property, real and personal, for the purposes of this scheme, and shall, for the purposes

of this scheme, continue to have, hold, exercise, and enjoy all the powers, jurisdiction, privileges, and authority which at the date of this scheme shall be vested in or capable of being exercised or enjoyed by the Commissioners, under the heretofore recited Acts or otherwise howsoever.

From and after the date of this scheme, subject to the provision hereinafter contained as to the continuing Commissioners, the said body corporate shall consist of the members following, that is to say:—

(a.) Ten Commissioners appointed by the Lord Lieutenant as hereinafter provided.

(b.) Ten Commissioners elected by the local Boards as hereinafter provided.

(c.) Two Commissioners elected by the Council of the University of Dublin as hereinafter provided.

(d.) Two Commissioners elected by the Senate of the Royal University of Ireland as hereinafter provided.

(e.) Two Commissioners elected by the governing body of the institution known as "The Catholic University of Ireland" as hereinafter provided.

(f.) Two Commissioners elected by the Intermediate Education Board for Ireland as hereinafter provided.

Provided that if and whenever any university or universities shall hereafter be lawfully established in Ireland, other than the above-mentioned universities, the governing body of each university so established may from time to time elect two Commissioners, in the same manner as is hereinafter provided with respect to the above-mentioned universities, but if both or either of the above-mentioned universities, or the above-mentioned institution known as "The Catholic University of Ireland," shall be merged in or incorporated with any university lawfully established, the power of electing Commissioners hereby conferred upon this university or institution as merged or incorporated shall thereupon cease.

From and after the date of this scheme no person shall be entitled to be, to continue, or to become a Commissioner by virtue of any office whatsoever.

##### Continuing Commissioners.

3. In the first instance, such and so many of the existing Commissioners as at the date of this scheme shall be able and willing to act, and shall have attended not less than one-fourth of the meetings of the Commissioners held during their terms of office within three years next before the date of this scheme, shall continue to be members of the body corporate, and shall be deemed to be Commissioners appointed by the Lord Lieutenant, and shall hold office as if they had been so appointed. The existing Commissioners so qualified are hereinafter referred to as the continuing Commissioners. All existing Commissioners not so qualified shall, at the date of this scheme, cease to be members of the body corporate, but shall be eligible for appointment or election as Commissioners under this scheme. From and after the date of this scheme, the continuing Commissioners, with such and so many Commissioners as shall have been appointed or elected as herein provided, shall constitute the body corporate, and shall and may have, hold, exercise, and enjoy all the powers, jurisdiction, privileges, and authority of the Commissioners for the time being; provided that every act done by the Commissioners during the period of two months next after the date of this scheme shall be subject to confirmation by the Commissioners at their first meeting held after the expiration of that period.

##### Appointment of Commissioners by the Lord Lieutenant.

4. The Commissioners appointed by the Lord Lieutenant shall be appointed in manner following, and shall hold office during the pleasure of the Lord Lie-

tenant. Immediately after the date of this scheme, and from time to time thereafter, as occasion shall require, the Lord Lieutenant shall appoint such and so many persons to be Commissioners as, with the continuing Commissioners, shall make up the number of ten Commissioners as aforesaid.

In the appointment of Commissioners by the Lord Lieutenant regard shall be had to the due representation upon the body corporate of the several religious denominations entitled to benefit from the endowments.

Whenever any continuing Commissioner or Commissioner appointed by the Lord Lieutenant shall die, or resign by writing under his hand, or become bankrupt, or refuse to act, or become incapable of acting, or shall for the space of one year fail to attend any meeting of the Commissioners, or shall be removed from office by the Lord Lieutenant, his office shall thereupon become vacant, and the fact of such vacancy, with the cause thereof, shall be recorded in the minutes of the Commissioners, and, except in the case of removal by the Lord Lieutenant, shall be notified by the Commissioners to the Lord Lieutenant.

Immediately after the date of this scheme, the Secretary of the Commissioners shall prepare from the minutes of the existing Commissioners, and shall forward to the Lord Lieutenant, a list of the existing Commissioners, with the date of their appointment, and a return of their attendances at the meetings held within three years next before the date of this scheme, distinguishing those qualified as continuing Commissioners under the provisions hereinbefore contained.

#### *Election of Commissioners.*

5. At a meeting of each Local Board, to be held after due notice, and within two months after the date of this scheme, the members present shall elect one person to be a Commissioner. Each Commissioner so elected shall hold office until the last day of the calendar year first ending more than twelve months after the date of this scheme. At a meeting of each Local Board to be held in the month of November or December in each year and in every year thereafter, the members present shall elect one person to be a Commissioner. Each Commissioner so elected shall enter upon office on the first day of January following his election, and shall hold office until the thirty-first day of December next ensuing, or until the election of his successor, whichever shall last happen.

As soon as conveniently may be after the date of this scheme, and subsequently from time to time as occasion shall require, each of the other bodies entitled to elect Commissioners shall elect two persons to be Commissioners. Such elections shall be held at such times, and the Commissioners so elected shall hold office for such periods, as the bodies entitled so to elect Commissioners shall respectively prescribe from time to time.

The several Local Boards and other bodies entitled to elect Commissioners may elect Commissioners from among their own number, or may elect such other suitable persons as they shall respectively think fit.

Every outgoing elected Commissioner shall be eligible for re-election.

Whenever any elected Commissioner shall die, or resign by writing under his hand, or become bankrupt, or refuse to act, or become incapable of acting, or shall be removed from office by a resolution, passed after due notice, of the body by which he was elected, his office shall thereupon become vacant, and the fact of such vacancy, with the cause thereof, shall be recorded in the minutes of the body by which he was elected, and such body may thereupon elect a suitable person to fill the vacancy; every Commissioner so elected shall hold office so long only as the Commissioner in whose place he shall have been elected might have held the same.

#### *Vesting of Endowments and Continuance of Powers.*

6. From and after the date of this Scheme, subject to the provisions of this or any other Scheme or Schemes framed under the Act, all the Endowments then held by or vested in the existing Commissioners shall remain vested in the Commissioners as hereby constituted, who shall thereupon hold, receive, and apply the same, and the rents, issues, dividends, income, and produce thereof, and all other property and moneys applicable to the purposes of this Scheme and receivable by them, for the several purposes hereinafter mentioned. All powers, jurisdiction, privileges, and authority, at the date of this Scheme vested in the Commissioners, or capable of being exercised or enjoyed by them, shall continue to be vested in and may be exercised and enjoyed by the Commissioners as hereby constituted. All existing enactments and provisions then affecting, enabling, or relating to "The Commissioners of Education in Ireland," shall thereupon apply to the Commissioners as hereby constituted, save so far as may by this or by any other Scheme or Schemes framed under the Act be otherwise provided.

#### *Officers, Superannuation, and Expenses.*

7. From and after the date of this Scheme, the Secretary and other officers then in the employment of the existing Commissioners, shall continue to hold office under the Commissioners as hereby constituted, upon the same terms, and shall remain bound to perform the same and all like duties, as if the constitution of the Commissioners had not been altered. Every Secretary and other officer appointed by the Commissioners in pursuance of the Act 53 George III., cap. 107, sec. 4, and the Acts amending the same, whether before or after the date of this Scheme, shall be subject to removal by the Commissioners for such misconduct or inefficiency as they shall deem sufficient to justify his removal, and every Secretary and other officer so appointed after the passing of the Act shall also be subject to removal by the Commissioners for such cause as they shall deem adequate, or upon reasonable notice, or such notice as may be agreed upon, not exceeding in any case six months' notice, or upon payment of a reasonable sum, not exceeding six months' salary, in lieu of notice. The Commissioners may, with the consent of the Lords of Her Majesty's Treasury, grant to any Secretary or other officer in their employment (whether appointed before or after the date of this Scheme), who, otherwise than through misconduct, shall become incapable of further duty, a reasonable superannuation allowance to be fixed with due regard to length of service, and to the other circumstances of the employment, and not exceeding the amount which under similar circumstances might have been granted to such Secretary or other officer under the Superannuation Acts, 1859 and 1884, if holding office directly from the Crown in the Civil Service of the State. No person shall, after the date of this Scheme, be appointed by the Commissioners to be such Secretary or other officer until he shall have obtained a proper certificate from the Civil Service Commissioners. Every superannuation allowance so granted as aforesaid shall be defrayed as part of the incidental expenses of the Commissioners.

The salaries of the Secretary and other officers, and the expenses of the said officers and the incidental expenses of the Commissioners, shall continue to be provided and defrayed in accordance with the Act 53 George III., cap. 107, and the Acts amending the same.

#### *General Provisions as to the Commissioners.*

##### *Chairman, Quorum, and Honorary Officers.*

8. The Commissioners at their first meeting held more than two months after the date of this Scheme, and at their first meeting in each calendar year thereafter, shall elect from among themselves a

Chairman and a Vice-Chairman, who shall continue in office until the first meeting in the succeeding year. The Chairman, and in his absence the Vice-Chairman, shall preside at the meetings of the Commissioners. Until the election and in the absence of the Chairman and Vice-Chairman, the majority of the Commissioners present shall elect one of their number to act as Chairman for the occasion. Five Commissioners shall constitute a quorum, and all matters and questions shall be determined by the majority of the Commissioners present; in every case of equality of votes the Chairman of the meeting shall have a second or casting vote. The Commissioners may, from time to time, appoint such honorary officers as they shall think fit, and may define the duties of such honorary officers.

#### *Committees.*

9. The Commissioners may, from time to time, appoint a Committee or Committees, each consisting of two or more of their number, to carry into execution any orders, rules, or directions of the Commissioners with respect to the purposes of this Scheme, or to manage such of their business as the Commissioners may deem it expedient to delegate to such Committee or Committees. The Commissioners may fix the quorum, define the duties, and regulate the proceedings of every such Committee as they shall think fit.

#### *Meetings.*

10. The Commissioners shall hold their first meeting within three calendar months after the date of this Scheme, and they shall meet once, at the least, in every three months thereafter, on such day as they shall fix; they shall also meet at such other times as they may from time to time appoint, or as their business shall require. Notice of every meeting shall be sent to each Commissioner six clear days, or such other time as the Commissioners may direct, before each meeting. The Chairman or the Vice-Chairman, or any five other Commissioners, or the Secretary, may, at any time, summon a special meeting of the Commissioners, sending notice to each Commissioner six clear days, or such other time as the Commissioners may direct, before such meeting, specifying in such notice the business for the transaction of which the meeting is summoned; and no other business shall be transacted at such special meeting. Every meeting may be adjourned for the completion of its business to such time and place as the Commissioners present may appoint.

#### *Minutes, Books, and Documents.*

11. Every Commissioner shall, at or before the first meeting which he attends, sign a declaration, in a book to be kept for that purpose, of his acceptance of the office of Commissioner, and until he has signed such declaration he shall not be entitled to act as a Commissioner. Minute books shall be kept by the Commissioners, in which minutes of all their proceedings shall be duly entered. All deeds and other writings sealed with the common seal and signed by the Chairman of any meeting, and two other Commissioners, and by the Secretary, shall be held to be validly executed on behalf of the Commissioners.

#### *By-laws and Regulations.*

12. The Commissioners may, from time to time, make such by-laws and regulations as they shall consider convenient and needful for giving effect to the provisions of this scheme, provided that no such by-law or regulation shall be inconsistent with the provisions of this scheme, and that the same may be repealed, altered, and amended by the Commissioners from time to time as they shall deem expedient.

#### *Accounts and Audit.*

13. The Commissioners shall cause to be kept regular accounts of all their receipts and disbursements, including separate accounts for each of the estates vested in them, in such manner and form as may be from time to time prescribed or approved by the Local Government Board, and the accounts for each year, ending the thirty-first day of December or such other day as the Board may appoint, or an abstrait thereof, in such form as the Board shall prescribe or approve, shall be submitted for audit on or before the first day of March following, or such other day as the Board may appoint, to an auditor of the Local Government Board, or to some other competent authority to be appointed or approved by the said Board. The Local Government Board may fix, and the Commissioners shall pay out of the income of the prospective estates, such reasonable sum or sums as shall be necessary to defray the cost of audit. The Commissioners shall keep an account with such bank as they may from time to time select, and all moneys receivable or payable by them (except petty cash) shall be lodged to or drawn from such account, and every cheque shall be signed by two Commissioners, at the least, thereto authorized.

#### *Annual Report.*

14. The Commissioners shall in every year present to the Lord Lieutenant a report of their proceedings under this scheme during the preceding year, with the report of the audit or for such preceding year, and such other information regarding the endowments and the schools receiving benefit therefrom, as the Lord Lieutenant may from time to time direct, or as the Commissioners may think fit; and the Lord Lieutenant shall cause such report to be laid, with all convenient speed, before both Houses of Parliament.

#### *Inspection.*

15. An Inspector to be appointed by the Lord Lieutenant in pursuance of the Act, section 17, shall inspect each school sharing in any of the endowments administered under this scheme, once at the least in each year, and as much often as the Lord Lieutenant may direct, and shall present his reports thereon to the Lord Lieutenant; the remuneration of every such Inspector, as fixed by the Lord Lieutenant, shall be defrayed by the Commissioners out of the endowments administered by them in such proportions as the Commissioners shall think fit.

#### *Additional Endowments.*

16. The Commissioners may receive and hold donations, subscriptions, and other or additional Endowments, real or personal, and apply the same for all or any of the purposes of this scheme, or for any object or objects connected with all or any of the purposes of this scheme, or for any purpose which shall not be inconsistent with, or calculated to impede, the efficient working of the provisions hereof. All property and moneys so received or applied shall be subject to any special trusts lawfully affecting the same, and shall be included in the accounts to be kept by the Commissioners.

#### *Management of Estates.*

17. Subject to the provisions hereinafter contained as to the management of the Endowments of the Ulster Royal Schools, the Commissioners shall, from time to time, make such arrangements as they may deem expedient for the custody of all deeds and documents belonging to the Endowments, for the management of the estates and property vested in them, for keeping proper maps and records of holdings and tenants, and for the employment of such land agent or agents,

and of such solicitor or solicitors, and of such bailiffs and other officers, as they shall find it expedient to employ to assist in such management. Every agent employed by the Commissioners or by any Estates Committee under this Scheme, shall be required to give sufficient security to the Commissioners for the faithful discharge of his duties, and to furnish his account once at the least in each year, and in each account to include all rents and other income due or payable up to the date day next preceding the date of furnishing the account.

#### *Letting Powers.*

18. Subject to the provisions hereinafter contained as to the management of the Endowments of the Ulster Royal Schools, the Commissioners may make agricultural or occupation leases and lettings of land from year to year or for any term not exceeding forty years, and leases of buildings from year to year or for any term not exceeding ninety-nine years, and leases for building or improvement for any term not exceeding two hundred years, so that every such lease and letting shall take effect in possession upon or within three years after the making thereof, and shall be made at the highest rent that may fairly and reasonably be obtained, and without fine. Subject as aforesaid, they may, in such manner, and upon such terms, as they shall deem most expedient, sell, exchange, let upon fine in fee-farm or for any term, mortgage, or otherwise dispose of all or any parts of the lands and buildings (not being required for the purposes of any school under the provisions of this Scheme) which may be vested in them, so that every such dealing shall be carried out to the best advantage, and that all money obtained thereon, other than current rents, shall be treated as part of the capital of the endowment from which it shall be obtained, and shall be invested or otherwise disposed of in accordance with the provisions of this Scheme.

#### *Powers of Investment.*

19. The Commissioners may from time to time sell any of the property (other than lands or buildings), funds, and securities vested in them, and invest the moneys arising therefrom, or other the capital of the Endowments, and may also invest and accumulate any surplus or residue of income, or other funds received by them, in any of the public stocks, funds, or securities of the United Kingdom, or of any Colony or Dependency thereof, or in the stock of the Bank of England, or of the Bank of Ireland, or upon freehold or leasehold securities in the United Kingdom; or upon the lands, debentures, debenture stock, or mortgages of any joint stock company or corporation, whether unincorporated commercial or otherwise, carrying on business or constituted for any purpose in the United Kingdom, or in any Colony or Dependency thereof, and the Commissioners may from time to time vary such investments, and they may from time to time resort to the accumulations of income from any previous year, and apply the same for the purposes of this Scheme; they may retain in their existing state of investment, so long as they shall think fit, all or any securities hereby vested in them or which may hereafter be transferred to them.

#### *PART II.—The Royal Schools.—Ulster Local Boards of Education.*

20. From and after the date of this scheme, a Protestant Board of Education and a Roman Catholic Board of Education shall be constituted as hereinafter provided, for the administration of Educational Endowments in each of the following districts:—

The Armagh district, consisting of the county of Armagh.

The Tyrone district, consisting of the county of Tyrone with so much of the county of Londonderry, as is included in the diocese of Armagh. The Fermanagh district, consisting of the county of Fermanagh with the county of Monaghan, being part of the diocese of Clogher.

The Cavan district, consisting of the county of Cavan.

The Donegal district, consisting of the county of Donegal.

The several Local Boards shall be respectively designated as follows:—

The Armagh Protestant Board of Education.

The Armagh Roman Catholic Board of Education.

The Tyrone Protestant Board of Education.

The Tyrone Roman Catholic Board of Education.

The Fermanagh Protestant Board of Education.

The Fermanagh Roman Catholic Board of Education.

The Cavan Protestant Board of Education.

The Cavan Roman Catholic Board of Education.

The Donegal Protestant Board of Education.

The Donegal Roman Catholic Board of Education.

Each of the said several Local Boards shall constitute a body corporate, with perpetual succession and a common seal, and power to acquire and hold property, real and personal, for the purposes of this scheme.

#### *Functions of the Local Boards.*

21. The functions of the Local Boards shall be as follows:—

(1.) To establish or aid in establishing, and to maintain or aid in maintaining, each school or schools within their respective districts as they shall think expedient.

(2.) To administer and apply such share of the endowments included in this or any other scheme framed under the Act as shall be payable to them.

(3.) To exercise such supervision and control over the schools sharing in the endowments administered by them as may be necessary to secure compliance with the provisions of this or of any other scheme framed under the Act, and applicable to such schools.

(4.) To elect Commissioners and representatives upon the estates committees, and to do all other acts necessary to give effect to the provisions of this scheme.

(5.) To receive, hold, and administer other or additional donations, subscriptions, and endowments, real or personal, for the purposes of this scheme, or for any objects or purposes not inconsistent with or calculated to impede the efficient working of the provisions hereof. All property and moneys so received shall be administered by the several Local Boards in accordance with any special trusts lawfully affecting the same, and shall be included in the accounts to be kept by the respective Local Boards under this scheme. Each Local Board shall and may have and exercise, with respect to all properties and moneys so received by them, the same and the like powers of management, letting, sale, exchange, and investment respectively, which the Commissioners might have and exercise under this scheme with respect to such property if vested in them.

#### *Constitution of Local Boards.*

22. Each Local Board shall consist, in the first instance, of nine members to be appointed as hereinafter provided, and the members of each Local Board so appointed, may from time to time, by resolution of not less than seven such members, passed at a meeting

specially convened for the purpose, co-opt such and so many additional members, not exceeding six in all, as they shall think fit. Each member so co-opted shall hold office until the next election of the Local Board.

If any of the bodies or persons authorized under this scheme to elect or co-opt any member of a Local Board shall fail to do so within the period hereby prescribed, or shall, within six months after the occurrence of a vacancy, fail to fill the same, the Commissioners shall appoint a qualified person who shall hold office for the same period as if he had been elected or co-opted by the body or person so authorized.

*The Protestant Local Boards.—Armagh Protestant Board.*

23. Five members of the Armagh Protestant Board of Education shall be elected by the Diocesan Council of Armagh; three shall be elected by the General Assembly; and one, representing the other Protestant denominations of the district, shall be elected by the other members of the Board as hereinafter provided.

The Armagh Protestant Board of Education shall consist in the first instance of such and so many of the following persons as at the date of this scheme shall be able and willing to act:

*Representing the Diocesan Council of Armagh.*

1. The Most Rev. Robert Knox, D.D., Archbishop of Armagh.
2. The Very Rev. George A. Chadwick, D.D., Dean of Armagh.
3. The Rev. Benjamin Wade, M.A., Chancellor of Armagh.
4. Ashmun St. George, Esq., Wood Park, Tyrone, Armagh.
5. James Henry Strong, Esq., Hookley Lodge, Armagh.

*Representing the General Assembly.*

6. The Rev. Jackson Smyth, D.D., Armagh.
7. The Rev. John Elliott, Armagh.
8. William McCann, Esq., Milford, Armagh.

*Representing other Protestant Denominations.*

9. William Paul, Esq., Portadown.

*Tyrone Protestant Board.*

Two members of the Tyrone Protestant Board of Education shall be elected by the Diocesan Council of Armagh; one shall be elected by the Diocesan Council of Derry and Raphoe; five shall be elected by the General Assembly; and one, representing the other Protestant denominations of the district, shall be elected by the other members of the Board as hereinafter provided.

The Tyrone Protestant Board of Education shall consist in the first instance of such and so many of the following persons as at the date of this scheme shall be able and willing to act:

*Representing the Diocesan Council of Armagh.*

1. The Ven. William E. Meade, D.D., Archdeacon of Armagh.
2. Colonel James C. J. Lavry, D.L., Rockdale, Dungannon.

*Representing the Diocesan Council of Derry and Raphoe.*

3. The Very Rev. James Byrne, M.A., Dean of Clonfert.

*Representing the General Assembly.*

4. The Rev. Hamilton B. Wilson, D.D., Cookstown.
5. James Brown, esq., Donaghmore, Tyrone.
6. James Dickson, esq., Dungannon.
7. William Wilson, esq., Coalisland, Tyrone.
8. Thomas H. Allen, esq., Dungannon.

*Representing other Protestant Denominations.*

9. William J. Vassides, esq., Cookstown.

*Fermanagh Protestant Board.*

Five members of the Fermanagh Protestant Board of Education shall be elected by the Diocesan Council of Clogher; three shall be elected by the General Assembly; and one shall be elected by the Methodist Conference.

The Fermanagh Protestant Board of Education shall consist in the first instance of such and so many of the following persons as at the date of this scheme shall be able and willing to act:—

*Representing the Diocesan Council of Clogher.*

1. The Right Rev. Charles M. Stock, D.D., Bishop of Clogher.
2. The Rev. Charles T. Owenduff, D.D., Incumbent of Enniskillen.
3. The Rev. Arthur N. Haire-Forster, Ballynure, Clogher.
4. William B. Cooney, esq., Enniskillen.
5. Edward Smyth, esq., Enniskillen.

*Representing the General Assembly.*

6. The Rev. Samuel C. Mitchell, Enniskillen.
7. The Rev. J. A. Allison, Mungah.
8. William Galt, esq., Enniskillen.

*Representing the Methodist Conference.*

9. William Carson, esq., Enniskillen.

*Cavan Protestant Board.*

Three members of the Cavan Protestant Board of Education shall be elected by the Diocesan Council of Kilmac; two shall be elected by the Select Vestry of the parish of Cavan; three shall be elected by the General Assembly; and one, representing the other Protestant denominations of the district, shall be elected by the other members of the Board as hereinafter provided.

The Cavan Protestant Board of Education shall consist in the first instance of such and so many of the following persons as at the date of this scheme shall be able and willing to act:—

*Representing the Diocesan Council of Kilmac.*

1. The Right Rev. Samuel Shaw, D.D., Bishop of Kilmac.
2. The Rev. William H. Hutchinson, M.A., Bellefborough.
3. Samuel W. Sanderson, esq., D.D., Clover Hill House, Bellefborough.

*Representing the Select Vestry of Cavan.*

4. The Rev. Arthur B. Barton, D.D., Incumbent of Cavan.
5. Richard Allen, esq., Cavan.

*Representing the General Assembly.*

6. The Rev. John H. Murphy, M.A., Cavan.
7. The Rev. Samuel Patrick, Derrylane, Bellefborough.
8. Robert Walker, esq., Ulster Bank, Bellefborough.

*Representing other Protestant Denominations.*

9. James Hartley, esq., Cavan.

*Denegal Protestant Board.*

Three members of the Denegal Protestant Board of Education shall be elected by the Diocesan Council of Derry and Raphoe; five shall be elected by the General Assembly; and one, representing the other Protestant denominations of the district, shall be elected by the other members of the Board as hereinafter provided.

The Denegal Protestant Board of Education shall consist in the first instance of such and so many of the following persons as at the date of this Scheme shall be able and willing to act:—

*Representing the Diocesan Council of Derry and Raphoe.*

1. The Rev. Henry F. MacDonald, M.A., Tollymoreland, Letterkenny.
2. The Rev. John Molloy, M.A., Tollymoreland.
3. William Henry Foster, Esq., Letterkenny.

*Representing the General Assembly.*

4. The Rev. John A. Bain, M.A., Raphoe.
5. The Rev. William L. Berkeley, M.A., Raphoe.
6. The Rev. R. McMorris, M.A., Major Cunningham.
7. Thomas Hamilton, Esq., Raphoe.
8. Robert Carson Wilson, Esq., Raphoe.

*Representing other Protestant Denominations.*

9. The Rev. R. A. McFarlane, M.A., Stranorlar.

*General Vacancies.*

24. If at the date of this Scheme any of the first members of the said several Protestant Local Boards hereinafter named shall be unable or unwilling to act, and whenever thereafter any member of any of the said several Boards shall die, or resign by writing under his hand, or become bankrupt, or refuse to act, or become incapable of acting, or shall cease to reside in the district in which such Board shall belong, his office shall thereupon become vacant, and the fact of such vacancy, with the cause thereof, shall be recorded in the minutes of the Board; and as soon as conveniently may be after the occurrence of such vacancy, the electing body amongst whose representatives the vacancy shall have occurred, or the remaining members of the Local Board to which such member belonged, as the case may be, shall elect a duly qualified person to fill such vacancy; each member so elected shall hold office so long only as the member in whose place he shall have been elected might have held the same.

*Election of Members.*

25. The first members of the said several Protestant Local Boards shall hold office until the thirty-first day of December first happening more than twelve months after the date of this Scheme, or until the election of their respective successors, whichever shall last happen. Before the said thirty-first day of December, and once in every year thereafter, each of the several bodies entitled to elect representatives upon the said several Boards may elect such representatives. The elections shall be held once in each year, at such times as the bodies entitled to elect representatives shall respectively prescribe from time to time. The members so elected shall hold office until the election of their respective successors. Every outgoing member shall be eligible for re-election.

At the first meeting in each year of each of the said several Boards of Armagh, Tyrone, Cavan, and

Raphoe, respectively, the members present shall elect one suitable person resident in the district and willing to act, and a member of a Protestant denomination for which representation upon such Board has not been otherwise provided, to be a member of such Board, and each person so elected shall hold office until the election of his successor. Every such outgoing member shall be eligible for re-election, provided he shall have attended at the least one-third of the meetings of the Board of which he was a member, held during his term of office, but not otherwise.

*The Roman Catholic Local Boards.*

26. Each Roman Catholic Board of Education shall consist in the first instance of such and so many of the following persons as at the date of this Scheme shall be able and willing to act:

*Armagh Roman Catholic Board.*

The Armagh Roman Catholic Board of Education shall consist in the first instance of such and so many of the following persons as at the date of this Scheme shall be able and willing to act:

1. The Most Rev. Michael Logue, D.D., Archbishop of Armagh, or other the Roman Catholic Archbishop of Armagh for the time being.
2. The Very Rev. Patrick Canon Kelly, P.P., Keady.
3. The Rev. Lawrence Byrne, P.P., Portadown.
4. The Rev. Patrick McGee, P.P., Crossmaglen.
5. The Rev. Hugh McCann, A.M., Armagh.
6. Surgeon-Major Philip Lavery, Armagh.
7. William Gallagher, Esq., Armagh.
8. Owen Aloysius MacFarland, Esq., L.B.C.S.I., L.R.C.S.I., Armagh.
9. Richard Garland, Esq., Whitecross, County Armagh.

*Tyrone Roman Catholic Board.*

The Tyrone Roman Catholic Board of Education shall consist in the first instance of such and so many of the following persons as at the date of this Scheme shall be able and willing to act:—

1. The Most Rev. Michael Logue, D.D., Archbishop of Armagh, or other the Roman Catholic Archbishop of Armagh for the time being.
2. The Very Rev. Peter Byrne, V.C., P.P., Dungannon, Dean of Armagh.
3. The Very Rev. Patrick Canon Donnelly, P.P., Magherafelt.
4. The Very Rev. Michael Canon Coyne, P.P., Moy.
5. The Very Rev. Thomas Canon Rice, P.P., Cookstown.
6. William James Reynolds, Esq., M.P., Dungannon.
7. Joseph Ellis, Esq., Cook, Dungannon.
8. James Harrison, junr., Esq., Magherafelt.
9. Henry Tobin, junr., Esq., Moy.

*Fermanagh Roman Catholic Board.*

The Fermanagh Roman Catholic Board of Education shall consist in the first instance of such and so many of the following persons as at the date of this Scheme shall be able and willing to act:—

1. The Most Rev. James Donnelly, D.D., Bishop of Clogher, or other the Roman Catholic Bishop of Clogher for the time being.
2. The Very Rev. Thomas Sweeney, V.C., P.P., Enniskillen, Archbishop of Clogher.
3. The Very Rev. James Canon McQuaid, P.P., Clerragh, Enniskillen.

4. The Very Rev. Peter Canon McGilne, D.D., Rector of St. Macarten's Seminary, Monaghan.
5. The Very Rev. Laurence J. Canon O'Neill, F.R., Clonsilla.
6. John Francis Wray, Esq., Enniskillen.
7. Anthony Cassidy, Esq., The Grange, Enniskillen.
8. Denis Carolan Roche, Esq., Monaghan.
9. Patrick Rafferty, Esq., Monaghan.

#### *Cavan Roman Catholic Board.*

The Cavan Roman Catholic Board of Education shall consist in the first instance of such and so many of the following persons as at the date of this scheme shall be able and willing to act:—

1. The Most Rev. Edward McGinnis, Bishop of Kilmore, or other the Roman Catholic Bishop of Kilmore for the time being.
2. The Very Rev. John O'Reilly, V.G., F.R., Lurgan, county Cavan.
3. The Very Rev. John O'Connor, V.R., F.R., Ballisborough.
4. The Very Rev. Michael Fitzpatrick, F.R., Laxey.
5. The Very Rev. Charles O'Reilly, F.R., Slindone.
6. Philip Smith, esq., Kavitt Castle, Crossadowny.
7. Thomas Morley, esq., Cootchill.
8. Patrick Kane, esq., Baillycrommell.
9. John Gannon, esq., Crum.

#### *Downgal Roman Catholic Board.*

The Downgal Roman Catholic Board of Education shall consist in the first instance of such and so many of the following persons as at the date of this scheme shall be able and willing to act:—

1. The Most Rev. Patrick O'Donnell, Bishop of Raphoe, or other the Roman Catholic Bishop of Raphoe for the time being.
2. The Rev. Joseph O. Boyle, F.R., Raphoe.
3. The Rev. P. J. Brennan, President, Diocesan Seminary, Letterkenny.
4. The Very Rev. Hugh McPhaden, F.R., Donegal.
5. The Very Rev. John McMenamin, F.R., Stranorlar.
6. Joseph McLoone, esq., Donegal.
7. Hugh McDavitt, esq., Glenties, county Donegal.
8. James McFadden, esq., Glenswilly, Letterkenny.
9. Patrick McMenamin, esq., Stranorlar.

#### *Appointment of Ecclesiastical Members.*

27. If at the date of this scheme any of the first ecclesiastical members above-named of the said several Roman Catholic Boards, other than the Archbishop or Bishop for the time being, shall be unable or unwilling to act, and whenever thereafter any such member shall die, or resign by writing under his hand, or become bankrupt, or refuse to act, or become incapable of acting, or shall fail to hold an ecclesiastical appointment in the district to which such Board shall belong, or shall fail to attend at the least one-third of the meetings of the Board held in any one year, his office shall thereupon become vacant, and the fact of such vacancy, with the cause thereof, shall be recorded in the minutes of the Board; and, as soon as conveniently may be after the occurrence of each such vacancy, the remaining ecclesiastical members of such Board shall co-opt a duly qualified person to fill the same.

#### *Appointment of Lay Members.*

28. If at the date of this scheme any of the first lay members above-named of the said several Roman Catholic Boards shall be unable or unwilling to act, and whenever thereafter any such member shall die, or resign by writing under his hand, or become bankrupt, or refuse to act, or become incapable of acting, or shall cease to reside in the district to which such Board shall belong, or shall fail to attend at the least one-third of the meetings of the Board held in any one year, his office shall thereupon become vacant, and the fact of such vacancy, with the cause thereof, shall be recorded in the minutes of the Board; and, as soon as conveniently may be after the occurrence of each such vacancy, the remaining lay members of such Board shall co-opt a duly qualified person to fill the same.

#### *General Provisions as to Local Boards.—Chairman, Quorum, and Honorary Officers.*

29. Each Local Board shall appoint a Chairman and a Vice-Chairman at their first meeting after the date of this scheme, and at their first meeting in each calendar year thereafter. Both Chairman and Vice-Chairman so selected shall hold office until the election of his successor, and shall be eligible for re-election. The Chairman shall preside at every meeting of the Board at which he is present; in the absence of the Chairman, the Vice-Chairman shall preside; and in the absence of both, the members present shall elect one of their number to act as Chairman for the occasion. Three members shall constitute a quorum of each Board, and all matters and questions shall be determined by the majority of the members present; in every case of equality of votes the Chairman of the meeting shall have a second or casting vote. Each Board may from time to time appoint an Honorary Secretary and such other Honorary Officer as such Board shall think fit, and may define the duties of such Honorary Officers.

#### *Meetings.*

30. Each Local Board shall hold their first meeting within one calendar month after the date of this scheme, and shall meet once at the least in every three months thereafter, at a time and place to be appointed by the Board, and may also meet at such other times and places as may from time to time be appointed by the Board. Notice of every meeting shall be given to each member three clear days, or such other time as each Local Board may direct, before each meeting. The Chairman, Vice-Chairman, or Honorary Secretary, or any five other members of any Local Board, may at any time summon a special meeting of the Board, giving notice to each member thereof, six clear days, or such other time as the Board may direct, before such meeting, and specifying in such notice the object thereof. Every meeting may adjourn for the completion of its business to such time or place as the members present may appoint.

#### *Minutes, Books, and Documents.*

31. Every member of a Local Board, other than an ex-officio member, shall at or before the first meeting which he attends, sign a declaration, in a book to be kept by each Board for the purpose, of his acceptance of the office of member, and until he has signed such declaration he shall not be entitled to act as a member. Minute Books shall be kept by each Local Board in which minutes of all their proceedings shall be duly entered. All deeds and other writings sealed with the common seal of any Local Board, and signed by the chairman of any meeting and two other members thereof, shall be held to be validly executed on the part of such Local Board.

*Committees.*

32. Each Local Board may from time to time appoint a Committee or Committees, each consisting of two or more of their members, to carry into execution any orders rules or directions of the Board with respect to the purposes of this scheme, or to manage such of their business as the Board may deem it expedient to depute to such Committee or Committees. Each Board may fix the quorum, define the duties, and regulate the proceedings of every Committee appointed by them, as such Board may think fit.

*By-laws and Regulations.*

33. Each Board may from time to time make such by-laws and regulations as they shall consider convenient and needful for giving effect to the purposes of this scheme, provided that no such by-law or regulation shall be inconsistent with the provisions of this scheme, and that the same may be repealed, altered, and amended by such Board as they shall deem expedient.

*Accounts and Audit.*

34. Each Local Board shall cause to be kept regular accounts of all their receipts and disbursements in such manner and form as may, from time to time, be prescribed or approved by the Local Government Board; and the accounts for each year, ending the thirty-first day of December or such other day as the Local Government Board may direct, or an abstract thereof, in such form as the Local Government Board shall prescribe or approve, shall be submitted for audit on or before the first day of March following, or such other day as the Local Government Board may appoint, to an auditor of the Local Government Board, or to some other competent authority to be appointed or approved by the Local Government Board. The Local Government Board may fix, and each Local Board shall pay, such reasonable sum or sums as shall be necessary to defray the cost of audit. Each Local Board shall keep an account with such Bank as they shall from time to time select, and all moneys receivable or payable by a Local Board (except petty cash), shall be lodged to or drawn from such account, and every cheque shall be signed by two members at the least thereto authorized.

*School Committee.*

35. Each Local Board may from time to time establish or appoint such School Committee or School Committees as they shall think fit, to aid in the supervision and management of any School or Schools situated in the district, and sharing in the endowments administered by such Local Board. The Local Board may fix the constitution, and define the functions of each School Committee which they may so establish or appoint. The Managers or the Governing Body for the time being of any School or Schools situated in the district, and qualified to share in the endowments administered by any Local Board, may be recognised by such Local Board as a School Committee for the purposes of this Scheme. Each School Committee shall consist of not less than three persons, who may be members of the Governing Body or Teaching Staff, Managers, or residents in the neighbourhood, of the School. Every School for which a School Committee shall be established, appointed, or recognised, shall be deemed to be a School managed by a Local Board for the purposes of this Scheme, and shall from time to time be visited by the Local Board for the purpose of ascertaining that it is conducted in accordance with the provisions of this Scheme.

*Powers of Local Boards.*

36. Subject to the provisions of this Scheme, each Local Board may maintain or aid any School or Schools

within the district qualified to share in the endowments administered by them, in such manner as may, from time to time, seem best calculated to promote education in the district; provided that the Commissioners may prevent any School from sharing in the Ulster Royal School Endowments which the Inspector appointed by the Lord Lieutenant shall report not to be qualified as hereinafter provided, and they may prevent any application of the Endowments administered by any Local Board, which is not in accordance with the provisions of this Scheme.

Subject to the provisions of this Scheme, each Local Board, directly or through a School Committee, shall have and exercise general supervision and control over each School sharing in the endowments administered by such Local Board, shall appoint the Masters and other members of the teaching staff, shall determine the various branches of education to be taught, shall fix the terms and vacations, and shall make such rules and regulations for the maintenance of order and discipline, as to the Local Board or School Committee, as the case may be, shall seem expedient. Subject as aforesaid, each Local Board, directly or through a School Committee, shall fix from time to time the number, salaries, and emoluments of the Masters and other members of the staff to be employed in and about each School, and shall define their several and respective duties, and shall provide for the appointment of such domestic staff and other officers and servants as shall from time to time be required.

Each Local Board may from time to time fix and regulate the school-fee to be charged in each school sharing in the endowments administered by them, and may provide for the admission of free pupils, and of pupils at reduced fees, as they may from time to time think reasonable and expedient.

Subject to the provisions hereinafter contained as to the vested interests of individuals holding office at the date of the passing of the Act, every master, teacher, and other officer and person in the employment of a Local Board or of a school committee may be removed by the Local Board or by the school committee, as the case may be, for such cause as they shall deem adequate, or upon reasonable notice, or upon payment of a reasonable sum, not exceeding six months' salary, in lieu of notice: provided that no head master shall be removed except upon a resolution of the Local Board or of the school committee, as the case may be, passed at a special meeting summoned on due notice. No person appointed after the date of this scheme to any paid office or employment under a Local Board, or becoming entitled to any salary or emolument out of the endowments administered by such Local Board, shall be capable of becoming, or shall continue to be a member of such Local Board.

*Power to Protestant Local Boards to allocate Endowments.*

37. Any Protestant Local Board, for the purpose of allocating the endowments administered by them among the different Protestant Denominations, upon such terms and subject to such conditions as may be agreed upon, may form a committee or committees each consisting of three or more of their number, and each such committee may have and enjoy, with respect to any school or schools which may be placed under their control, all the privileges powers and functions which the Local Board might otherwise have exercise or enjoy, with respect to such school or schools, under the provisions of this scheme. The Local Board may provide, by agreement, for the allocation to any school or schools in their district placed under the control of any committee formed as aforesaid, of so much of the endowments administered by such Local Board as, having regard to the relative numbers of the members of the several Protestant denominations entitled to benefit from the endowments, shall seem just.

Any two or more Protestant Local Boards may, by agreement, form committees, and may allocate endowments, and may exercise the other powers conferred by this section, in the same manner as if, for the purposes of this section, the several Local Boards concerned had been one Local Board, and their several districts, and the endowments administered by them respectively, had been united and amalgamated.

#### *Estate Committees.*

38. As soon as conveniently may be after the date of this scheme, an estates committee shall be formed in each district for the management, subject to the control of the Commissioners and to the provisions of this scheme, of the lands and buildings included in the endowments of the Royal school of the district, and for the performance of such other duties relating to the endowments as the Local Board of the district, or the Commissioners, shall from time to time deem it expedient to delegate to such committees respectively. Each estates committee shall consist of three representatives elected by the Protestant Local Board of the district, and three representatives elected by the Roman Catholic Local Board of the district. The representatives elected by each Board shall hold office for such period and upon such conditions as the Board shall from time to time determine.

#### *Functions of Estates Committees.*

39. The Estates Committee of each district shall have the management, subject to the control and approval of the Commissioners, and subject to the provisions of this Scheme as to the buildings of the Royal Schools, of the lands and buildings included in the endowments of the Royal School of the district. The Estates Committee shall have the nomination, and (subject to the approval of the Commissioners) shall have the appointment and removal of such agent or agents, solicitor or solicitors, bailiff or bailiffs, and other officers as they may deem it expedient to employ to assist them in such management; provided that the several agents and other officers who shall be employed by the Commissioners for the purposes aforesaid at the date of this Scheme shall continue in office until removed as aforesaid, and shall remain bound to perform the same duties for the respective Estates Committees as they would have been bound to perform for the Commissioners if this Scheme had not passed. It shall be the duty of the Estates Committee (subject to the approval of the Commissioners, and to the provisions of this Scheme) to provide for the collection and recovery, and for the payment to the Commissioners, of the rents and other income of the Royal School endowments under their management, and from time to time to obtain and submit to the Commissioners all necessary or advantageous proposals for the letting, sale, or disposal of the lands and premises, and to make all such reports and recommendations to the Commissioners, and generally to do all such acts concerning the said endowments as may from time to time appear to them to be necessary or expedient for the purpose of administering the endowments of the district to the best advantage. Provided that the Commissioners may from time to time, if in their discretion they shall so think fit, remove any agent or other officer appointed by an Estates Committee, and upon failure by any Estates Committee to perform any duty or to carry out any direction prescribed by this Scheme or by the Commissioners, the Commissioners may themselves take such proceedings as they may deem necessary or expedient to perform or carry out such duty or direction.

#### *Distribution of Ulster Royal School Endowments.*

40. Subject to the other provisions of this Scheme, and after providing for all proper and necessary out-

goings, charges, and liabilities, the annual income received by the Commissioners from the Endowments of each of the Ulster Royal Schools during each of the first three calendar years commencing after the date of this Scheme, shall be paid by the Commissioners as soon as conveniently may be, in equal shares, to the two Local Boards of the district in which the School is situated, and shall be applied by the Local Boards respectively for the following purposes, or for such and so many of them as the said Boards respectively shall deem expedient:—

(a.) To add, maintain, extend, or improve any existing Intermediate School or Schools, situated in the district, and managed by the Local Board in accordance with the provisions of this Scheme;

(b.) To establish, or aid in establishing, in the district, any Intermediate school or schools to be managed as aforesaid;

(c.) By the investment and accumulation of the sums paid as aforesaid or any part thereof, in the name of the Local Board, to form a capital fund of which the principal and interest may from time to time be applied, as such Local Board shall deem expedient, to aid, maintain, extend, improve, or establish any such Intermediate school or schools as aforesaid;

(d.) By such other means and in such other manner as the Local Board shall deem expedient, to make such provision for Intermediate education in the district as shall appear best calculated to enable the Local Board, upon and after the expiration of the said three years, to avail themselves of the provisions of this scheme.

#### *Distribution of Endowments after first three years.*

41. Subject to the other provisions of this scheme, and after providing for all proper and necessary outgoing charges and liabilities, the annual income received by the Commissioners from the endowments of the several Ulster Royal Schools, hereinafter called the Ulster Royal School Endowments, during each calendar year commencing more than three years after the date of this scheme, shall be distributed by the Commissioners among the several Local Boards for the purposes of Intermediate education as hereinafter provided.

#### *Minimum Grants.*

42. For each calendar year commencing more than three years after the date of this scheme, each Local Board shall in the first instance be entitled to receive from the Commissioners a minimum grant, to be calculated as follows:—

To each of the Armagh Local Boards, twenty per cent. of the net income received during the year from the endowments of the Armagh Royal School, other than the school premises.

To each of the Tyrone Local Boards, twenty per cent. of the net income received during the year from the endowments of the Dungannon Royal School, other than the school premises.

To each of the Fermanagh Local Boards, twenty per cent. of the net income received during the year from the endowments of the Enniskillen Royal School, other than the school premises.

To each of the Cavan Local Boards, twenty-five per cent. of the net income received during the year from the endowments of the Cavan Royal School, other than the school premises.

To each of the Donegal Local Boards, fifty per cent. of the net income received during the year from the endowments of the Raphoe Royal School, other than the school premises.

*Division of Residue by Results.*

43. After payment of the minimum grants calculated as aforesaid, the residue of the annual income received by the Commissioners from the Ulster Royal School Endowments, during each calendar year commencing more than three years after the date of this scheme, shall be treated as a common fund, and shall be distributed in proportion to results among the several local boards for the benefit of the Intermediate schools situated in the several districts which fulfil the conditions hereinafter set forth, and for which claims to share in the said endowment shall be made and established as hereinafter provided. The Commissioners shall keep such accounts as may be necessary to enable them within one month after the last day of each half-year, commencing from the first day of January next after the date of this scheme, to provisionally ascertain, declare, and pay to the several local Boards the several payments by this scheme directed: the Commissioners, in so doing, may take into account all outgoings, charges, and liabilities, for which it may, in their judgment, be necessary to provide out of the income of the several endowments, and after the completion of each annual audit of their accounts the Commissioners may vary the amount of any subsequent payment or payments, so far as may be necessary to rectify any previous error, or to compensate for any over payment or under payment which may have been provisionally made to any local Board.

*Claims to Residue.*

44. Each local Board may, in and for each year commencing more than three years after the date of this scheme, claim, in such manner as the Commissioners shall prescribe, a share of the residue of the income of the Ulster Royal School Endowments for any Intermediate School or Schools within their district which, during such year, shall have fulfilled the conditions hereinafter set forth, and the whole amount of such residue shall be divided by the Commissioners among the several local Boards for the benefit of the schools for which such claims shall have been made and established to the satisfaction of the Commissioners, in proportion to be calculated by results in accordance with the provisions contained in Schedule I. hereto.

*Conditions for Schools sharing in Royal School Endowments.*

45. No school shall be qualified to share in the Ulster Royal School Endowments, nor shall any minimum grant or any part of the residue of the said endowments be applicable by any local Board for the benefit of any school or of the pupils thereof, unless such school fulfils the following conditions:—

(a.) The school shall be managed by the local Board of the district within which it is situated, either directly or through a school committee established, appointed or recognised as hereinafter provided.

(b.) Instruction shall be given in the school in the following subjects, at the least:—

In a boys' school—Latin, Greek, English (including History, Geography, Grammar, and Composition); French or German; Arithmetic, Algebra, and Euclid.

In a girls' school—Latin, English (including History, Geography, Grammar, and Composition); French or German; Arithmetic, and one other Mathematical subject; and Music or Drawing.

(c.) The Inspector appointed by the Lord Lieutenant shall be satisfied and shall report that the buildings, premises and appliances of the school are sufficient and suitable for an efficient Inter-

mediate School, and are in good order, and that a competent staff for the efficient teaching of the required subjects is employed in the school.

(d.) The school shall, during the year for which the claim is made, have had in regular attendance not less than twenty-five pupils receiving an Intermediate Education, and not less than ten pupils of the school shall, during such year, have passed a qualifying examination in subjects of Intermediate Education as defined in Schedule II. hereto, having each made not less than one hundred attendances at the school during the twelve calendar months preceeding the examination.

Provided that, in any case in which a school may be prevented, by any temporary or accidental cause, from fulfilling the conditions aforesaid during any year, the Commissioners may for such year dispense with the fulfilment of any one or more of the said conditions, upon being satisfied that the school is likely to fulfil the same in the next succeeding year, but such dispensation shall not be made for the same school in two consecutive years.

*Free Places in Schools sharing in Minimum Grants.*

46. Every school sharing in the minimum grant received by any local Board, shall be required, besides fulfilling the conditions aforesaid, to provide and maintain to the satisfaction of the Commissioners, and of the inspector appointed by the Lord Lieutenant, a certain number of free places, in accordance with the following provisions:—

(a.) Two free places at the least in each year shall be offered for competition by examination among all candidates qualified as hereinafter mentioned.

(b.) Each candidate shall, during each of the two years next before the day appointed for the examination, have made not less than 100 attendances as a pupil at a public elementary school within the district; shall not on the day of examination exceed the age of fourteen years; shall be of good conduct and character; and shall be in such circumstances as to need, and to be capable of taking full advantage of free intermediate education in the school.

(c.) The examination shall be held at a time and place within the district, and in a room, to be appointed and publicly announced not less than six months previously by the local Board, subject to the approval of the Commissioners, and shall be conducted by an examiner or examiners appointed by the local Board, subject to the like approval.

(d.) The subjects of examination shall be those of elementary education only, and not below the standard of the fifth class, as defined by the Rules and Regulations of the Commissioners of National Education for the time being.

(e.) The names and address of every candidate, with a statement of his or her circumstances, and a certificate of attendance signed by the manager of the school or schools attended by him or her, and such further evidence of qualification as the local Board may reasonably require, shall be furnished to the local Board not less than one month before the examination. If any question shall arise as to the qualification of any candidate, the same shall be inquired into and determined by the examiner or examiners, whose decision and report upon all such questions, and upon the merits of the candidates, shall, subject to the approval of the Commissioners, be final.

(f.) No free place shall be awarded to any candidate whom the examiner or examiners shall not report to have shown sufficient merit. Each candidate to whom a free place shall be awarded

shall be entitled (subject to removal for misconduct or failure to make satisfactory progress) to receive intermediate education as a day pupil in all the subjects taught in the school, free of charge, for two years from the commencement of the term next following the examination; or, if admitted as a boarding pupil, shall (subject as aforesaid) be entitled to a reduction in the fee usually charged for boarding pupils of the same age, equal to the full amount of the highest fee charged to day pupils in the school.

*Application of the Endowments by the Local Boards.*

47. All moneys received by the Local Boards under or for the purposes of this Scheme shall (subject to the other provisions of this Scheme, and to any special trusts or conditions upon which any part thereof may be received), be expended and applied by them for or towards the following purposes, or for or towards such, and so many of them as the Local Boards respectively shall deem expedient:—

(a.) To maintain the buildings, furniture, appliances, and premises of the several Schools managed by them, in good order and condition, and to make such additions thereto, and improvements therein, as may be required from time to time.

(b.) To pay all rents, taxes, cost of insurance, and other charges, necessarily or properly payable out of or for the School premises, and to defray the necessary working expenses of the Schools, and the cost of management.

(c.) To provide for the education of the pupils; for this purpose the several Local Boards may, directly or through School Committees, employ and pay such Masters, Teachers, and other educational staff, as they may deem it expedient to engage for the instruction of the pupils in the Schools managed by them.

(d.) To provide prizes for the most deserving pupils; such prizes may be awarded in money, or in remission of school-fee, or in such other manner as the Governors may deem best calculated to stimulate the industry, reward the diligence, or promote the progress of the pupils, or may be so given as to enable or encourage deserving and capable pupils from elementary schools of the district to obtain free education, or education at a reduced cost, in the Schools.

(e.) To establish, in connection with any School or Schools, exhibitions and scholarships, which shall in each case have such value, and shall be awarded upon such examination, and shall be held subject to such conditions, as the Local Board establishing the same shall think fit. These exhibitions and scholarships may be given so as to entitle their holders to education at the Schools free of cost, or at a reduced cost, or may be tenable at such University, College, or other place of higher education elsewhere, as the Local Board establishing the same may from time to time determine.

The amount of the minimum grant received by each Local Board shall be expended by them for the purposes of an Intermediate School or Schools managed by such Local Board, to be selected by the Board from the Schools within the district which fulfil the conditions hereinafter set forth; or if there be no such School, shall be expended by them for the purposes of an Intermediate School or Schools managed by some other Local Board or Boards, to be selected in like manner from the Schools in the other districts which fulfil the said conditions. The minimum grant received by each Local Board may be applied by them for the benefit of any qualified School or Schools, or for the benefit of the pupils of any such School or

Schools, in such proportions and in such manner as the Local Board shall think fit, but any share of the residue of the income of the Ulster Royal School Endowments received by any Local Board upon a claim for results shall be applied by them for the benefit of the School for which such claim shall have been established as hereinbefore provided, or for the benefit of the pupils of such School.

*Aid from Public Sources.*

48. The several Local Boards may from time to time make all arrangements necessary to enable them to obtain for the schools under their management, from the Intermediate Education Board, from the Science and Art Department, or from any other public body, such aid, by way of teachers' salaries, results fees, prizes, provision for technical or special education, and grants or loans for building or other purposes, as may at any time be available for or open to like schools or the pupils thereof; and they may, notwithstanding anything herein contained, place any or all of their schools or classes in connection with or under the inspection of any such public body as aforesaid, and they may comply with any rules or regulations for the time being in force respecting schools or pupils receiving such aid; and all money and other aid which the several Local Boards may so receive shall, subject to such rules and regulations, be applied by them respectively, in conformity with the provisions of this scheme, and accounted for accordingly.

*Religious Instruction.*

49. The several Local Boards may, from time to time, make such provision for the religious instruction of the pupils of the schools under their management as they shall think fit; provided always that such religious instruction shall be given with due regard to the religious denominations to which the pupils shall respectively belong, and that no pupil shall be permitted to receive or to be present at any religious instruction to which his parents or guardians shall object, and that the times for giving religious instruction, and the mode of giving it, shall be so fixed that no pupil declining to receive such instruction shall be thereby in effect excluded, directly or indirectly, from any of the other advantages afforded by the school.

*School Buildings and Premises.*

50. The buildings of each of the Ulster Royal Schools, and the lands used and occupied therewith at the date of this scheme, hereinafter called the school premises, shall be regarded as part of the Royal School Endowment of the district, and from and after the date at which the services of the several head masters who were in office at the date of the passing of the Act shall be discontinued, the said school premises respectively shall be held and disposed of as hereinafter provided. The said school premises, or the value or produce thereof, subject to the provisions hereinafter contained, shall be reserved, in each case, exclusively for the educational benefit of the district in which they are situated, and shall (subject to the provisions as to private endowments hereinafter contained) be treated as belonging in equal shares to the two Local Boards of the district.

As soon as conveniently may be after the date of this scheme, the two Local Boards of each district shall meet, or shall depute the Estates Committee of the district to meet, and consider how the school premises should be dealt with so as best to promote the general interests of education in the district. The Local Boards or Estates Committee shall, in each case, consider whether it would be more advantageous to employ the School premises for the purpose of education, or to dispose of them by sale or letting, or to dispose of certain portions by sale or letting and to

employ other portions for the purposes of education. They shall also consider whether it would be desirable, if the premises should be employed for the purposes of education, that they should be let, jointly or in several portions, to the two Local Boards or to School Committees established appointed or recognised by them, or should be let wholly or partly to one Board or School Committee, for the purposes of a School or Schools to be managed by such Board or Boards, or by such Committee or Committees; and they shall consider the terms and conditions on which the premises might be most advantageously and justly dealt with, having due regard to the interest of both Local Boards therein.

In considering these questions the Local Board or Estates Committee shall in each case take into account:—

(a.) The extent of school accommodation that may already exist in the neighbourhood of the School premises for the purposes of Intermediate Education.

(b.) The special wants of each of the Local Boards and of the denominations represented by them, with respect to Intermediate School accommodation in the neighbourhood of the School premises.

(c.) The relative facilities possessed by each Local Board for acquiring suitable accommodation for any Intermediate Schools established or managed by them, or likely so to be.

(d.) The amount of capital or income that could be made available for the educational benefit of the district by the sale or letting of the School premises, or any part thereof.

If, having duly considered the matters aforesaid, the Local Board or Estates Committee of any district shall agree upon a Scheme for the disposal of the School premises of their district, they may submit the same to the Commissioners, who shall confirm the same if satisfied that it is for the benefit of education in the district so to do, or, if not so satisfied, may remit it for further consideration to the Local Board or Estates Committee by whom the same may have been prepared.

If within six calendar months after the date of this Scheme the Local Board or Estates Committee shall not have submitted a Scheme to the Commissioners for the disposal of the School premises of their district, the Commissioners, as soon as conveniently may be, shall give public notice of their intention to sell or let the said premises to the best advantage, and shall sell or let the same accordingly: provided that every such sale or letting shall be subject to the approval of the Local Lieutenant.

Under any Scheme submitted as aforesaid, and upon any sale or letting of school premises by the Commissioners, either or both of the Local Boards of the district, or any School Committee established appointed or recognised by them, may become the tenants or purchasers of the School premises or any part thereof upon such terms as may be agreed upon, or as the Commissioners shall deem reasonable, subject to the following provisions:—

(a.) The fair value of any school premises taken by a Local Board or School Committee shall be ascertained or estimated, by way of annual occupation rent or of purchase money as the case may require, and the amount so ascertained or estimated shall be treated as received by the Local Board out of the Royal School Endowment of the district, and the Local Board so receiving the same shall be bound to pay or account for the same accordingly.

(b.) Any Local Board taking any portion of the school premises, directly or through a School Committee, may account for the share of the value thereof belonging to the other Local Board of the district by charging the same, by way of annual occupation rent or of purchase money as the case

may require, against an equal amount of the minimum grant or any other moneys payable to such Local Board under this scheme.

(c.) All moneys received or charged by the Commissioners by way of income or annual rent from the sale or letting of school premises, shall be paid or credited by them in equal shares to the two Local Boards of the district, and shall be applied as if the same were part of the minimum grant payable to the Local Board receiving the same, and as an addition to such minimum grant.

(d.) All moneys received or charged by the Commissioners by way of purchase-money fines or capital from the sale or letting of school premises, shall be invested or held by them for the benefit of the Local Boards of the district in equal shares, and each Local Board may, with the approval of the Commissioners, at any time and from time to time, expend the whole or any part of their share of such moneys in acquiring or erecting new or additional school premises, or acquiring additional ground for any school managed by such Local Board, or in enlarging or improving the then existing buildings of any such school, or in providing suitable residences for the master or other members of the teaching staff employed therein, or in providing new or additional school furniture or appliances for any such school. The Commissioners shall, upon the written application of the Local Board concerned from time to time realise and pay out of the moneys aforesaid such sums as may be required for the purposes aforesaid.

#### *Private Endowments.*

51. In the consideration of any scheme for the disposal of school premises, and upon any sale or letting of such premises, and upon every dealing with the moneys received from any such sale or letting, or with the value of such premises, if it shall appear that any portion of the existing premises was provided or erected by any Protestant benefactor out of private moneys, and is of ascertainable value, the present value of such portion shall be ascertained accordingly, and shall be treated for all purposes as belonging exclusively to the share of the Protestant Local Board in the premises, and shall be taken into account and dealt with accordingly.

#### *Compensation for Past Services.—Head Masters.*

52. On and after the first day of January next following the date of this Scheme, the services of the Head Masters of the Royal Schools of Dungannon, Enniskillen, Carrick, and Raphoe, if then still in office, shall be discontinued; but, notwithstanding such discontinuance, each of the said Head Masters who was in office at the date of the passing of the Act, shall be entitled (subject to the provision for commutation hereinafter contained) to receive from the Commissioners, during his life, a retiring annuity equal in amount to the annual salary to which he was entitled out of the Royal School Endowment at the date of the passing of the Act; such annuity to be payable quarterly, and to be secured by the Ulster Royal School Endowments in priority to all other payments and charges under this Scheme, but to be in the first instance charged upon and payable out of the interest and principal of the Compensation Fund hereinafter mentioned. Within three months after the first day of January aforesaid, but not at any other time, any Head Master to whom a retiring annuity is then so payable may apply to the Commissioners to convert the same for a capital sum, to be calculated in accordance with the provisions of the *Pensioners Commutation Act, 1871*, and upon the terms and at the rates applicable to the commutation of pensions under the said Act, and thereupon the Commissioners, on being satisfied that the applicant is in his usual and ordinary state of health, shall accor-

tain such capital sum, and shall raise and pay the same to him accordingly, out of the fund and property chargeable with the said annuity, which shall thereupon cease.

#### *Assistant Masters.*

From and after the first day of January aforesaid, the services of the several Assistant Masters of the said Royal Schools, if then still in office, shall be discontinued; and upon such discontinuance each of the said Assistant Masters who was in office at the date of the passing of the Act, shall be entitled to receive from the Commissioners a retiring gratuity equal in amount to the annual salary to which he was entitled out of the Royal School Endowment at the date of the passing of the Act, together with a further sum of equal amount for each completed period of five years, over and above the first period of five years, that shall have elapsed between the date of his appointment to the office held by him at the passing of the Act, and the date of the discontinuance of his services under the foregoing provision. The Commissioners shall ascertain the amount of each retiring gratuity, and shall pay the same out of the Compensation Fund to the Assistant Master entitled to receive the same, immediately after the discontinuance of his services.

#### *Compensation Fund.*

73. From and after the date of this Scheme the Commissioners shall set apart as a Compensation Fund, and shall place to the credit of a separate capital account, the moneys, funds, and securities specified in Schedule III. hereto, and shall apply the same and the annual revenue arising therefrom as hereinafter provided.

The annual revenue arising from the capital of the Compensation Fund, or such portion thereof as shall not be expended under the provisions hereinafter contained, shall be placed to the credit of a compensation revenue account, and the retiring annuities and any sums required for commutation thereof, and the retiring gratuities payable by the Commissioners under this Scheme, shall in the first instance be charged against and paid out of the sum standing to the credit of that account, so far as the same will extend. If at any time any sum shall be standing to the credit of the said account which is not required for the purposes aforesaid, the Commissioners shall invest and accumulate the same as part of the capital of the Compensation Fund.

If, and whenever the sum standing to the credit of the compensation revenue account shall be insufficient to pay the sums for the time being required for the purposes aforesaid, the Commissioners shall realise from the capital of the Compensation Fund the sum necessary for the said payments.

If, and whenever the capital of the compensation fund shall be exhausted, or shall prove insufficient to pay the sums for the time being required for the purposes aforesaid, the Commissioners shall, out of the residue of the annual income of the Ulster Royal School Endowments, after payment of the annuities payable to the several Local Boards, or by sale or mortgage of the said endowments, raise the sum necessary for the said payments, but the Commissioners shall so adjust the accounts of the endowments of the several Ulster Royal Schools, that the amount so raised and paid shall be borne by the said Endowments, in proportion to their value, to be estimated by the Commissioners, whose estimate shall be final.

If any portion of the compensation fund shall remain after payment of all the sums required for the purposes aforesaid, the Commissioners shall allocate the same among the Endowments of the several Ulster Royal Schools, in proportion to their value, to be estimated by the Commissioners, whose estimate shall be final.

#### *Exhibitions and Scholarships.*

54. Every person who, at the date of this Scheme,

shall hold any exhibition or scholarship payable out of the Royal School Endowments, or any of them, shall continue to hold, and shall be entitled to receive the emoluments of the same from the Commissioners, for the same period and upon the same terms and out of the same funds as if this Scheme had not passed, in priority to all or any sums payable by the Commissioners to any of the Local Boards under the provisions of this Scheme.

#### *Special provisions as to Armagh Royal School, Head Master's Vested Interest.*

55. If the Rev. William Moore Morgan, M.A., shall, at the date of this Scheme, be still in office as Head Master of Armagh Royal School, he shall thenceforth, so long as he continues to discharge the duties of his office, be entitled to hold the same, and to receive the emoluments thereof, as hereinafter set forth.

He shall be entitled to the free use and occupation of the school premises, for the purpose of carrying on the said school, and the Commissioners shall, so long as the said premises shall be so used and occupied by him, pay and apply for or towards the rent, taxes, out of insurance, cost of maintenance and repair, and other outgoings of the said premises, such annual sum not exceeding £175, being the estimated average amount heretofore so applied, as shall be required for the purposes aforesaid.

The Commissioners shall also pay to the said Rev. William Moore Morgan, M.A., an annual salary of £400, being the annual salary payable to him out of the Armagh Royal School Endowment at the date of the passing of the Act, such salary to be paid in the same manner and out of the same funds as if this Scheme had not passed.

The Commissioners shall also pay to the said Rev. William Moore Morgan, M.A., as and towards the salary of an assistant master, so long as such master shall be engaged by him, and so long as the Inspector appointed by the Lord Lieutenant shall report that the services of such master are required and are efficiently rendered, the annual sum of £150, being the amount which, at the date of the passing of the Act, was so applied.

The said Rev. William Moore Morgan, M.A., shall continue to be entitled to receive the same or the like school-fee from the pupils of the school, and such school-fee shall be applicable by him in the same manner as if this scheme had not passed; and the amount thereof shall not be altered without his consent.

#### *Exhibitions.*

56. So long after the date of this scheme as there shall be in the Armagh Royal School any pupil or pupils who, having been a pupil at the date of the passing of the Act, would, if this scheme had not passed, have been entitled to compete for any exhibition or scholarship payable out of the Armagh Royal School Endowment under the same or the like regulations as were in force in and for the year 1857, the Commissioners shall provide such exhibition or scholarship for any qualified pupil to whom the same may, upon competition, be awarded. The amount of such scholarship or exhibition shall be paid by the Commissioners out of the same funds and in the same priority as if this scheme had not passed.

#### *Payments.*

57. The several payments to be made by the Commissioners under the foregoing clauses 55 and 56, shall be charged against the annual income received from the Armagh Royal School Endowment in priority to all or any sums payable by the Commissioners to either of the Armagh Local Boards under the provisions of this scheme, but shall be treated as having been received by the Armagh Protestant Local Board on account of the same which would otherwise be payable under the provisions of this scheme by the

Commissioners to the said Board, whether by way of minimum grant or for results: Provided always that if in any year the total amount which would be so payable to the said Board under the provisions of this scheme shall exceed the total amount payable under this clause, the amount of the difference shall be paid and applied as heretofore provided, and that if in any year the total amount of the payments made under the foregoing clauses 55 and 56, shall exceed the total amount which would otherwise be payable as aforesaid, the excess shall not be carried forward or charged against the said local Board in any subsequent year.

*Minimum Grant to Armagh Roman Catholic Local Board.*

58. From and after the date of this scheme, if, in any year, after providing the sums payable under the foregoing clauses 55 and 56, the net income received during the year from the Armagh Royal School Endowment shall not be sufficient to provide a minimum grant of twenty per cent. of such net income for the Armagh Roman Catholic Local Board, that Board shall be entitled to receive from the Commissioners, as a minimum grant, such a sum as with the residue of the said net income will make up the amount of twenty per cent. of such net income. The sum required to make up the amount aforesaid shall be paid by the Commissioners to the said local Board, by an equal poundage rate, out of the annual income of the endowments of the Enniskillen, Dungannon, and Coven Royal Schools, after payment to each of the other local Boards of an amount equal to the minimum grant heretofore provided for such Board.

*Postponement of Application of Scheme to Armagh Royal School.*

59. So long as the Rev. William Moore Morgan, M.A., shall continue to hold the office of Head Master of the Armagh Royal School, the provisions of this scheme as to the disposal of the school premises shall not take effect, but whenever the said Rev. William Moore Morgan, M.A., shall vacate his office, the provisions aforesaid shall thereupon take effect, and the Local Boards and Estates Committee of the district, and the Commissioners, respectively, shall immediately thereupon have and exercise the several powers heretofore contained with respect to the disposal of school premises. Provided that in addition to the matters mentioned in the foregoing clauses 50 and 51, account shall be taken, in the case of the Armagh Royal School, of the circumstances of the said school at the time when the Rev. William Moore Morgan, M.A., shall vacate his office, and if the said school shall then be in a condition of efficiency, regard shall be had to the advantages which would accrue to education in the district from an arrangement by which the Armagh Protestant Local Board, or a School Committee established appointed or recognised by them, should retain the management of the said school, and should become the tenants or purchasers of the school premises upon terms to be ascertained in accordance with the provisions of the clause aforesaid.

*Compensation to Head Master.*

60. If and whenever the Rev. William Moore Morgan, M.A., shall retire from his office as heretofore provided, or the Inspector appointed by the Lord Lieutenant shall report, and the Commissioners shall be of opinion, that the Armagh Royal School is no longer efficiently conducted by him, his services shall be discontinued by order of the Commissioners. Whenever the Rev. William Moore Morgan, M.A., shall have held his office for thirty years, or shall before that time have become incapable from any cause other than his own wilful misconduct of longer conducting the Armagh Royal School with efficiency, he may re-

tire from his office, and unless his services shall be discontinued for wilful misconduct, he shall, from the date of the order discontinuing his services, be entitled to receive during his life from the Commissioners a retiring annuity equal in amount to one thirtieth part of his annual salary of £400 for each completed year that shall have elapsed since the date of his appointment. Such retiring annuity shall be subject to the like provisions for commutation (to take effect from the date of its commencement), and shall be payable in the like manner, and shall be in all respects subject to the like provisions, as are heretofore contained with respect to the retiring annuities of the head masters of the other Ulster Royal Schools.

*Compensation to Assistant Master.*

61. If, at the date of this scheme, the Rev. William Moore Morgan, M.A., and Thomas Gordon, Esq., shall both still be in office, as head master and assistant master respectively of the Armagh Royal School, and if the said Thomas Gordon, Esq., shall continue in office as such assistant master until the Rev. William Moore Morgan, M.A., shall vacate the office of head master, the said Thomas Gordon, Esq., shall thereupon vacate his office, and shall be entitled to receive from the Commissioners a retiring gratuity to be calculated from the date of vacating his office, and to be paid in the same manner as the retiring gratuities heretofore provided for the several assistant masters of the other Royal Schools.

*Banagher Royal School.—Head Master's Feetal Interest.*

62. If Patrick King Joyce, Esq., M.A., shall at the date of this scheme be still in office as head master of the Banagher Royal School, he shall thereupon as long as he continues to discharge the duties of his office be entitled to hold the same and, so far as the Banagher Royal School Endowment will extend, to receive the emoluments thereof as heretofore set forth.

He shall be entitled to the free use and occupation of the school premises for the purpose of carrying on the said school, and the Commissioners shall, as long as the said premises shall be so used and occupied by him, provide and pay the yearly rent of £30 payable in respect of the said premises, and provide and apply for or towards the taxes, cost of insurance, cost of maintenance and repair, and other outgoings of the said premises, such annual sum not exceeding £16, being the estimated average amount heretofore so applied, as shall be required for the purposes aforesaid.

The Commissioners shall also pay to the said Patrick King Joyce an annual salary of £100, being the annual salary payable to him out of the Banagher Royal School Endowment at the date of the passing of the Act, such salary to be paid in the same manner and out of the same funds as if this scheme had not passed.

*Compensation to Head Master, and Discontinuance of School.*

63. If and whenever the said Patrick King Joyce shall resign his said office, or the Inspector appointed by the Lord Lieutenant shall report, and the Commissioners shall be of opinion, that the Banagher Royal School is no longer efficiently conducted by him, his services shall be discontinued by order of the Commissioners, and unless his services shall be discontinued for wilful misconduct, he shall, from the date of the order discontinuing his services, be entitled to receive during his life from the Commissioners a retiring annuity equal in amount to one-thirtieth part of his annual salary of £100 for each completed year that shall have elapsed since the date of his appointment. Such retiring annuity shall be subject to the

like provisions for commutation (to take effect from the date of its commencement), and shall be payable in the like manner, and shall be in all respects subject to the like provisions, as are heretofore contained with respect to the retiring annuities of the head masters of the Ulster Royal Schools.

Provided that no payment for or in respect of the Banagher Royal School, or the head master thereof, shall be charged upon or paid out of any other fund or estate than the Banagher Royal School Endowment.

#### *Distribution of Banagher Endowments.*

54. Whenever the said Patrick King Joyce shall vacate his office, the Banagher Royal School shall be discontinued, and the school premises shall be surrendered, let, sold, or otherwise disposed of by the Commissioners as they shall deem most advantageous. The Commissioners, by sale, mortgage, or other disposition of the Banagher Royal School Endowment, so far as the same will extend, shall provide and pay such amount as may be required to discharge all incumbrances, charges, and liabilities affecting the same, and to provide for the several payments aforesaid.

After paying or providing all sums so required, the annual income or produce of the lands or investments, constituting the Banagher Royal School endowment shall be paid by the Commissioners to the Intermediate Education Board for Ireland, who shall annually distribute the same by way of results fees to the managers of those schools situated in the King's County which receive results fees under the Intermediate Education (Ireland) Act, 1878. The results fees payable under this clause shall be in addition to any other results fees payable to the same managers, and shall be paid in the same proportions. If in any year there shall be no student qualified as aforesaid, or the number of such students shall be insufficient to justify the payment of the full amount of the results fees aforesaid, the said Board may invest and accumulate all or any part of the income of the said endowments, or may pay the same by way of results fees to the managers of schools situated in any adjoining county, as they shall think just and reasonable.

#### *Carysfort Royal School.*

55. From and after the date of this scheme the Carysfort Royal School shall be discontinued, and the school premises shall be dealt with by the Commissioners as a portion of the Carysfort Royal School endowment, and shall be sold, let, or otherwise disposed of by them to the best advantage. All sums, other than current rents or other income, received by the Commissioners from the said endowment shall be invested by them as part of the capital of the endowment, and they may also invest and accumulate any income thereof not received for the other purposes of this scheme.

From and after the date of this scheme the Carysfort school district shall include and consist of the parish, or union of parishes under the same incumbent or parish priest, in which the town or village of Carysfort is situated, and the said endowment shall be held and administered by the Commissioners for the educational benefit of the said district in the manner hereinafter provided.

The Commissioners shall, for each calendar year after the date of this scheme, ascertain and declare the net income received by them during the year from the Carysfort Royal School endowment, and shall thereupon allocate the same among the elementary schools situated in the district which shall have been reported by the inspector appointed by the Lord Lieutenant to be efficient schools; provided that no school shall be regarded as efficient which has not a suitable school building, and an average attendance of fifteen pupils at the least, with at least one teacher

qualified as a "class teacher" under the rules and regulations of the Commissioners of National Education.

One half of the amount to be allocated as aforesaid shall be divided in equal shares, without regard to the number of pupils in attendance, among all the elementary schools in the district reported to be efficient as aforesaid, the remaining half of such amount shall be allocated among the said several schools in proportion to the average number of pupils in daily attendance for elementary education during the year preceding.

In ascertaining the average attendance of pupils for the purposes of this scheme, the Commissioners may make such allowance as they shall think just for any reduction of actual attendances due to temporary and exceptional causes for which allowance might be made under the rules and regulations of the Commissioners of National Education, regarding teachers' salary.

The share of the endowment allocated to each school shall be paid by the Commissioners to the Manager of the school and shall be applied by him for the benefit of the school, subject to the provisions of this Scheme, and he shall annually account to the Commissioners for his application thereof.

The money received by the Manager of each school under the provisions of this Scheme, shall be applied by him for such and so many of the following purposes as to him shall seem expedient:—

(a.) To provide or supplement the salaries or emoluments of any teachers or monitors employed in the school.

(b.) To employ and pay such teachers as the Manager may deem it expedient to engage for the instruction of the pupils in such subjects of elementary, agricultural, technical, or industrial education as he shall deem suitable or useful for any sufficient number of pupils of the school. Provided that the Managers of all the schools in the District, or any two or more of them, may combine for the purpose of employing from time to time and paying out of the endowments one or more teachers of special subjects who shall teach in all the schools subject to the Managers so combining. Such teacher or teachers may be employed to give instruction in drawing, modelling, agriculture, cottage industries, and such other branches of technical and industrial education as in the opinion of the Managers may be found best suited to the wants of the locality and the requirements of the pupils.

(c.) To establish and maintain exhibitions and prizes to be offered for competition by examination, among the pupils of the school, upon such terms and subject to such regulations as the Commissioners may approve.

The Commissioners may, from time to time, make building grants or grants in aid of building, not exceeding 2500 in all, out of the capital of the Carysfort Royal School Endowment, for the erection and permanent improvement of elementary schools in the district, provided that no one such grant shall exceed £180, and that, in the opinion of the Commissioners, the educational requirements of the district, and the circumstances of those entitled to benefit from the Endowment, render such grant just and expedient.

The Commissioners shall, from time to time, make such rules and regulations as they shall deem necessary or expedient, for giving effect to the provisions of this Scheme, for the purpose of promoting elementary education in the Carysfort Royal School district by means of the Royal School Endowment aforesaid.

#### *Other Endowments managed by the Commissioners.*

56. Save so far as may be otherwise provided by this or any other Scheme framed under the Act, the

Commissioners as hereby constituted shall from and after the date of this Scheme continue to hold, manage, and administer all Endowments not hereinbefore specifically mentioned, and shall continue to exercise all powers and authority, and to do all acts which might otherwise have been exercised or done by the existing Commissioners, in the same manner in all respects as if the constitution of the Commissioners had not been altered.

#### *Payment of Expenses.*

67. The Commissioners shall, subject to the provisions of this Scheme, pay out of the income received by them from the Endowments, all charges which under the provisions of the Act shall be properly and necessarily payable by them for the costs and expenses of this Scheme, or for audit and inspection, or for other purposes; and the several Local Boards shall, subject to the other provisions of this Scheme, pay out of the income received by them all charges which under the provisions of the Act shall be properly and necessarily payable by them respectively, for the costs and expenses of this Scheme or for audit, or for other purposes.

#### *Printing of Scheme.*

68. The Commissioners shall cause this scheme to be printed, or procure printed copies thereof, and shall keep the same for sale at a reasonable price.

#### *Alteration of Scheme.*

69. This scheme may be altered from time to time by the Commissioners of Charitable Donations and Bequests for Ireland in any matter whatsoever upon the application of the Commissioners, provided that such application shall be founded upon a resolution of the Commissioners specifying the alteration required, which resolution shall be passed by a majority consisting of not less than two-thirds of the Commissioners present at a special meeting convened on due notice for the consideration thereof, and shall be afterwards confirmed at a subsequent special meeting to be held after six days notice at the least. Except upon such application, no alteration shall be so made, and no alteration shall be made contrary to anything contained in the Act.

#### SCHEDULES REFERRED TO IN THE FOREGOING SCHEME.

##### SCHEDULE I.

The residue of the income of the Ulster Royal School Endowments shall be annually divided among the several local Boards, as mentioned in clause 44 of the foregoing scheme, in proportion to the number of marks obtained by the several schools for which the said local Boards, respectively, shall have made and established claims in accordance with the provisions of the foregoing scheme, such marks to be allotted as follows:—

(1) Four marks shall be allowed for every pupil:—

(a.) Who passes the Matriculation Examination of any University in the United Kingdom.

(b.) Who passes in the Senior Grade of the examinations of the Intermediate Education Board for Ireland, in the several subjects required for a qualifying examination as defined in Schedule II.

(3.) Three marks shall be allowed for every pupil who passes in the Middle Grade of the examinations of the Intermediate Education Board for Ireland, in the several subjects required for a qualifying examination as defined in Schedule II.

(5.) Two marks shall be allowed for every pupil who passes in the Junior Grade of the examinations of the Intermediate Education Board for Ireland, in the several subjects required for a qualifying examination as defined in Schedule II.

The Commissioners may, by order duly published, recognise as equivalent to any of the foregoing ex-

aminations any open competitive or other public examination held in the United Kingdom, at which a pupil passes in the several subjects required for a qualifying examination as defined in Schedule II.

No marks shall be allowed for the same pupil in respect of more than one examination in the same year.

##### SCHEDULE II.

Each of the following examinations shall, for the purposes of this Scheme, be deemed to be a qualifying examination in subjects of Intermediate Education:—

(a.) The examinations of the Intermediate Education Board for Ireland, at which a pupil passes in the following subjects at the least:—

*For Boys.*—Latin or Greek; English; French or German; Arithmetic, and one other Mathematical subject.

*For Girls.*—English; French or German, or Latin; Drawing or Music; Arithmetic, and one other Mathematical subject.

(b.) Any open competitive or other public examination held in the United Kingdom at which a pupil passes in the several subjects aforesaid, at the least, and which the Commissioners may, by order duly published, recognise as a test of Intermediate Education equivalent to the foregoing examinations.

(c.) The Matriculation Examination of any University in the United Kingdom.

##### SCHEDULE III.

##### COMPENSATION FOR VESTED INTERESTS.

##### *The Compensation Fund.*

Each of the following funds and securities as at the date of this Scheme shall be still forthcoming:—

1. The sum of £1,019 18s. 2d., Government Stock, standing in the books of the Governor and Company of the Bank of Ireland in the names of the Commissioners of Education in Ireland, and in the accounts of the said Commissioners designated as Arrangh Royal School Railway Land Investment.

2. The sum of £5,305 18s. 5d., like stock, standing in the same books in the same name, and in the said accounts designated as Cavan Royal School General Investment.

3. The sum of £340 18s. 9d., like stock, standing in the same books in the same name, and in the said accounts designated as Dungannon Royal School Railway Land Investment.

4. The sum of £25 7s. 11d., like stock, standing in the same books in the same name, and in the said accounts designated as Dungannon Royal School General Investment.

5. The sum of £3,324 2s. 10d., like stock, standing in the same books in the same name, and in the said accounts designated as Baniskillen Royal School General Investment.

6. Any investments which, on the first day of January next following the date of this Scheme, may represent the foregoing funds and securities, or any of them, or may consist of the income or accumulations thereof, or of any other income of the Royal School Endowments, or any of them.

7. Such sum, if any, as on the first day of January next following the date of this Scheme, shall represent the excess of the balance to the credit of the Ulster Royal Schools upon the Income and Expenditure account of the Commissioners, over and above the balance to the debit of the same schools upon the same account made up to and closed upon that day.

Draft Scheme prepared and published by the Educational Endowments Commissioners in pursuance of the Act, sec. 21.

W. EDWARD ELLIS, Secretary.

April 30, 1883.

## ROYAL SCHOOL ENDOWMENTS.

## Nos. XXII. to LXII.

OBJECTIONS AND AMENDMENTS made and proposed to the DRAFT SCHEME for the re-constitution of the COMMISSIONERS of EDUCATION, and the FUTURE MANAGEMENT of the ROYAL SCHOOL ENDOWMENTS.

See Evid., p. 531, et seq.

LIST OF BODIES AND PERSONS from whom OBJECTIONS have been received or by whom AMENDMENTS have been proposed :—

*N.B.—The objections and amendments follow the order and bear the numbers given in this List.*

*The existing Governing Body.*

XXII. The Commissioners of Education in Ireland.

*Bodies representing Religious Denominations.*

XXIII. The Standing Committee of the General Synod of the Church of Ireland

XXIV. The Diocesan Councils of Armagh, Clogher, and Derry.

XXV. The Diocesan Council of Kilmore.

XXVI. The Intermediate Education Committee of the General Assembly of the Presbyterian Church in Ireland.

XXVII. The Methodist Conference.

*Persons representing Religious Denominations.*

XXVIII. The Most Rev. Dr. Logan, Archbishop of Armagh.

XXIX. The Most Rev. Dr. Walsh, Archbishop of Dublin.

XXX. The Most Rev. Dr. Donnelly, Bishop of Clogher.

XXXI. The Most Rev. Dr. McGinnis, Bishop of Kilmore.

XXXII. The Most Rev. Dr. O'Donnell, Bishop of Raphoe.

XXXIII. The Very Rev. Dr. Henry, President, St. Malachy's College, Belfast.

XXXIV. The Very Rev. Dr. Hauman, President, St. Columba's College, Londonderry.

XXXV. The Very Rev. B. McNamara, F.R., V.F., Omagh.

*Schoolmasters Associations and Committees.*

XXXVI. The Schoolmasters Association.

XXXVII. The Standing Committee of Roman Catholic Head Masters.

*Local Bodies, Public Meetings, &c.*

XXXVIII. Raphoe Royal School Committee (Protestant).

XXXIX. The Protestant Denominations in West Donegal.

XI. The Local Committee of Protestant Denominations in the County of Fermanagh.

XII. The Protestant Local Committee at Dungannon.

*Vested Interests.*

XLIII. W. M. Mitchell, Esq., Architect to the Commissioners of Education.

XLIII. Rev. W. M. Morgan, M.D., Armagh.

XLIV. Rev. F. H. Haggwood, M.D., Dungannon.

XLV. Rev. W. Steele, D.D., Enniskillen.

XLVI. Rev. J. A. Weir, M.D., Raphoe.

XLVII. Rev. W. P. Moore, M.A., Carran.

XLVIII. P. K. Joyce, Esq., M.A., Banagher.

XLIX. T. Gordon, Esq., M.A., Armagh.

L. W. H. Gunning, Esq., M.A., Dungannon.

LI. M. Beckett, Esq., D.D., Dungannon.

LII. T. G. Gambier, Esq., Dungannon.

LIII. M. Whelan (Drill Sergeant), Dungannon.

LIV. W. J. Valentine, Esq., M.A., Enniskillen.

LV. C. Hennig, Esq., Enniskillen.

LVI. W. Browne, Esq., Carran.

LVII. J. McLaughlin, Farm Survant, Enniskillen Royal School.

LVIII. J. C. Fox and E. Fox, Teachers, Townswillie Townsry School, Dungannon.

LIX. Rev. H. B. Carter, D.D.,

LX. Rev. T. J. Jones, M.A.,

LXI. J. Hewitt, Esq.,

Head Masters of the Royal Schools

Assistant Masters in the Royal Schools

As to exhibitors at Dungannon Royal School.

*Other Persons.*

LXII. Viscount De Vesci.

## Objections and Amendments.

## XXII. The Commissioners of Education in Ireland.

The Commissioners of Education, in the month of January, 1885, transmitted to the Endowments Commissioners a Draft Scheme for the Royal Schools. It was framed on the principle that the endowments, having for many years been mainly applied for the purposes of higher education, should continue in future to be so applied. In support of their view they refer to the statutory recognition of this principle expressed at the close of s. 13 of 53 Geo. III., c. 107, by which the residue of rents in their hands is directed to be applied to the endowment of Exhibitions in Trinity College. The present Scheme is prepared on lines inconsistent with the principle above referred to; and its effect, if carried out, will be to inflict a severe blow on such higher education in Ireland, without (in their opinion) affording any equivalent benefit elsewhere. For this reason, and because it would under the circumstances be futile to offer formal objections or amendments founded on their view of the general application of the Royal School Endowments, the Commissioners adopt the course provided by s. 23 of the Act of 1885, and request that their Draft Scheme may be submitted to the Lord Lieutenant in Council.

It may be noticed that the Endowments Commissioners, in their memorandum of the 30th November, 1885, remark that the latter Scheme had been disapproved by all parties who had appeared before them; but it should be observed that, of all classes, that in whose interest this Draft Scheme had been principally prepared, viz., those parents who will hereafter desire high education for their sons, is precisely the one which might reasonably be expected not to appear.

Independently however, of the difference of opinion as to the general scope of the Draft Scheme already adverted to, there are some points on which the Commissioners think it right (under s. 22 of the Act of 1885) to state the objections which they entertain to its provisions.

1. *Composition of the Board.*—The new Constitution appears to the Commissioners open to objection on several grounds. The number of its members seems to them to be greatly in excess of what is required for any of the purposes for which they are to be selected; while this increase in number will almost of necessity have the effect of diminishing the constant attendance of individual members, and will thus materially tend to break that consistency of action which is essential to the maintenance of efficient control over the management either of the schools or of the estates.

2. *Powers of the Board in respect to Education.*—The existing powers are, by section 6 of the Scheme, preserved; subject, however, to the subsequent provisions of the Scheme. But by section 36 each Local Board is empowered (subject only to the intervention of the Commissioners founded on a report by the Inspector) to determine the education to be given in any school which shares in its endowments; to appoint and remove the masters, as well as to define their duties and to fix their number and salaries, and to exercise general control over every such school. The existing powers of the Board appear, therefore, although nominally preserved, to be, so far as regards this most important branch of their duties, wholly annulled.

It should be noticed in connection with this part of the Scheme that there is no provision for reports by the Local Board to the Commissioners, without which it would be impossible for them to prepare the Annual Report prescribed by section 14, or to exercise the powers given to them in respect of residues of income by section 44. And it seems open to objection that the whole amount of such residue must in each year be divided in accordance with the provisions of Schedule I., no matter what may be the amount of

such residue or what may be the number of the schools entitled to benefit under those provisions.

3. *Powers of the Board as to Management of Estates.*—The existing powers are by section 6 preserved, subject (as mentioned above) to the provisions of the Scheme. But under section 39 all these powers are vested in the Estates Committee to be appointed by the Local Board, "subject to the control and approval of the Commissioners." The Committee alone can nominate and (subject to such approval) appoint and remove agents, solicitors, bailiffs, &c.; and, with the exceptions of the sale and letting of the lands and premises, are empowered "generally to do all such acts concerning such endowments as may from time to time appear to them to be necessary or expedient for the purpose of administering" them. The nature of the control so reserved is left absolutely undefined, nor is there even a provision for the necessary reports to the Commissioners of the proceedings of the Local Committee; but, even with such a provision, and with the most carefully prepared definition of the intended control which can be inserted, the Commissioners are of opinion that such a system cannot possibly with success be reduced to practice. To give an example of the difficulties which it would entail, the Commissioners refer to the constantly recurring communications which have during recent years taken place between themselves, their agents, and the tenants on the estates, communications which in very many cases have led to most satisfactory results; but where, the constant intervention of the Local Estates Committee would have rendered such results almost, if not altogether, impossible.

4. *Remuneration of Inspector.*—Although comparatively of minor importance, the Commissioners think it right to repeat the reasons which they stated in the Memorandum annexed to their Draft Scheme in 1885, why this remuneration ought to be defrayed from the Estimates and not out of the school endowments. The Act of Geo. III. provided that the salaries of all their officers should be paid out of the Consolidated Fund, in the place of which for such purposes the Estimates now stand; and the 17th section of the Act of 1885, while directing that the remuneration of the Inspector should "be defrayed by the governing bodies of such endowments as the Scheme may provide," does not specify the source from which such payment should be made. The provision of the earlier enactment is thus left in full force. The office of Inspector, absolutely necessary as it is, and often asked for in the Reports of the Commissioners, is for the first time created by the late Statute; but he is to be appointed by, and will be subject to, the Lord Lieutenant alone. On these grounds it seems only just that the expense thus entailed should be borne by the State, instead of being thrown on the greatly diminished income of the school endowments.

5. Finally, the Commissioners suggest that although unquestionably, under any system which can be reasonably devised, there must still exist a central authority with competent officers to carry out its orders, it is doubtful whether, if the Scheme now proposed be finally approved without very substantial modifications, a sufficient number of persons, such as the Lord Lieutenant would nominate or the universities would elect, will be found willing to act in the discharge of duties almost entirely confined to the management of small landed estates, when deprived of the supervision and control of education for which the Commission was originally established.

ROBERT McDOWELL, Secretary.

62, Upper Mount-street, Dublin.

June 21, 1885.

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Additional Clause suggested, namely, to provide that—In case the members of any denomination shall resolve to maintain a Boarding School in one of the present Royal School buildings, or in any other suitable premises, and not to provide any Boarding School in one or more of the other districts, it shall be lawful for the Commissioners to deduct such portion as they may think fit from the endowments to be handed over to the Local Board of the denomination in any district that maintains no efficient Boarding School, and apply

that portion towards the Boarding School or schools maintained in whole or in part by any other Local Board of the same denomination—i.e.,

Suppose the Church of Ireland were to select *Armagh*, the Presbyterians *Enniskillen*, and the Roman Catholics *Dungannon*, for Boarding Schools, respectively—that the "Commissioners" should have power to allocate something from the other local shares of Endowment towards the maintenance of the school thus respectively selected.

#### XXIV. *The Diocesan Councils of the Church of Ireland of the Dioceses of Armagh, Clogher, and Derry.*

- A. To the general principles of the Draft Scheme.  
B. To clauses in detail.

##### A. In principle we object—

1. To the constitution in each district of one mixed Protestant Board, while a separate Board equal with it in numbers and in weight in the decision of all common questions, and greatly superior as being homogeneous, has been conceded to the wishes of the Roman Catholics.

2. We further object that in the constitution of the mixed Protestant Boards the representation of the Church of Ireland is wholly inadequate from every point of view, whether regard be had to her gross population, or to their educational status as proved by the last census. In none of the districts is the Church of Ireland in a numerical minority, yet in two of the Boards she is outweighed in the proportion of two to one. And we would point out that the utmost practical injustice might result both in the treatment of competing schools in the various districts and also from the hopeless minority in which the Church would find itself in the contemplated negotiations with Roman Catholic Boards for the disposal of school buildings and the management of property. The gravest difficulties would also result from this disproportion in the allocation of endowments "by agreement" under clause 37. A minority may reasonably expect due consideration from the majority when it represents a similar proportion of those who should benefit by the common fund. On no other supposition can the composition of the Boards be justified. It is otherwise when those who are entitled to a majority are deliberately deprived of it by the constitution of the Board, for this will inevitably be taken as an indication of the treatment which is their due and of the disproportionate advantage which the others may themselves claim, since the power to grasp it has been put into their hands.

3. We object to the Estates Committee and are convinced that many of the reasons which admittedly made it impossible for Protestants and Roman Catholics to work together upon Local Educational Boards, will also lead to discord in the local management of lands and buildings.

4. We mainly object to the "distribution of the endowments after the first three years" as proposed in Clauses 41, 42, 43, and 44. The equity of a proportionate division of the whole net endowment during three years having been recognised, it is then proposed that a common fund should be formed to be distributed in a manner which provides neither finality nor a uniform or efficacious test, we would point out that while the matriculation examinations of all Universities alike are recognised upon equal terms, however various and variable be their curricula and however inadequate their standards, and while the same privilege may be freely extended to institutions unnamed in the Scheme, or even to institutions as yet non-existent, many examinations of the utmost importance and the highest educational status (e.g. Woolwich and Sandhurst entrance) are practically disqualified under Schedule II. We further submit that this proposal tends to destroy the confidence of

the public and to generate party feeling within the governing body itself.

5. We also object in the strongest manner to the constitution and method of appointment of the Commissioners of Education. First, with regard to those who are to be appointed by the Lord Lieutenant, we submit that "the due representation upon the Body Corporate of the several religious denominations" ought not to be confided to his discretion, but so defined in the Scheme itself as permanently to secure the principle of religious equality, which is admittedly in the above paragraph. Secondly, we submit that the representation of Universities and other Educational Bodies can be sufficiently obtained by the Lord Lieutenant's appointments, and that under the proposed arrangements for this end, the equities of religious representation might and probably would be seriously disturbed. It will be observed that the duties committed to this body are for the most part fiscal.

6. We further object that the Scheme is inconsistent with itself, being in the districts denominational in regard to one permission, but mixed in defined proportions in respect to all the rest; and again being mixed in regard to the Central Board; but here in uncertain and varying proportions. And while the claim has been conceded to the uttermost, which Roman Catholic witnesses put forward to an exclusive administration of their schools, no attention has been paid to the evidence given in Dublin, by the authorized representatives of all Protestant denominations, claiming the same treatment, the same independent control of the education of their children for themselves. This evidence was also remarkably unanimous in desiring a final distribution of the endowments which the arrangements under discussion do not grant.

7. Lastly, We object to a system of so called rewards in which only members are rewarded while excellence is quite ignored.

B.—We propose to specify the following additional objections in detail:—

In Clause 8.—We consider that a quorum of 5 Commissioners is inadequate.

In Clause 10.—We object to the inclusion of the County Monaghan in the Fermanagh district.

In Clause 35.—We object to the power given to a mixed board to delegate its functions to a Committee, who may all be elected by a bare majority of the board.

In Clause 37.—We object to the words "by agreement," as not sufficiently explicit.

In Clause 40.—We object to the equal distribution of the endowment between the two local Boards as unjust to the Protestants of the districts.

In Clause 45 (f).—We object to the omission to state any number of students to whom instruction in the prescribed subjects must be given.

In Clause 50.—We object to the division in two equal shares of the school premises as unjust to the Protestants of the districts; also to the power given to one dissentient Board to force the sale or letting of the school premises within six months from the date of the scheme, for purposes which may be wholly uncon-

noted with education, and at a price which may involve a religious sacrifice.

In Clause 51.—We object (a) to a limitation of a vested interest to those cases only where it can be shown that a specific portion of the existing premises was erected entirely by a private benefactor, and where the present value of such portion can be accurately ascertained; since we mention that neither an approximate value should be ignored, nor a contribution which aided in providing or erecting premises; (b) to the direction that such value when ascertained should "belong to the share of the Protestant Local Board in the premises," since it should evidently be preserved for the Protestant Board over and above their share (expressly limited to one-half) in the remainder; and (c), to the assumption that money given by Churchmen and benefactors of the Church to schools at that time under its exclusive management can be justly treated as the common property of all Protestant denominations. We further object that the task of ascertaining such contribution and the present value thereof ought not to be entrusted either to the joint

Local Boards or to the future Commissioners of Education, since these bodies will not necessarily possess sufficient legal qualification for the required investigation, and will not approach the decision of these matters in an unbiased and impartial spirit.

In Clause 56.—We object to the limitation of the vested right to compete hereafter for exhibitions and scholarships to boys in the Armagh Royal School only, and also to the restriction of such right to boys who were in the school at the date of the Act.

In Schedule I.—We object to the omission of all limit of age.

In Schedule II.—We object to the proposed power to recognise for result fees any public examination which may at any time commend itself to a bare majority of the Commissioners.

HENRY T. DIX AND SON,  
Solicitors for Objectors,

61, Upper Sackville-street, Dublin.

June 29, 1888.

#### XXV.—The Diocesan Council of Kilmore.

Draft Scheme, Page 8, Sec. 3.—We object to the proposed constitution and method of appointment of the Commissioners of Education. We consider that a body consisting of twenty members would be ample. Ten of these to be elected by the Local Boards, and ten to be appointed by the Lord Lieutenant; and in order that the due representation of each religious denomination should be maintained the Scheme should state distinctly the number of each denomination to be appointed as Commissioners by the Lord Lieutenant.

Page 9, Sec. 5.—We consider that it would be more convenient and satisfactory that the Commissioners should be elected triennially instead of annually as proposed in the Scheme.

Page 11, Sec. 8.—We are of opinion that the quorum of five as proposed is too small and should be increased to seven.

Page 22, Sec. 37.—We strongly object to the proposed appointment of the Estates Committee believing that it would be impossible to work suitably in the management of Lands and Buildings with satisfaction and harmony.

Page 23 to 25, Secs. 40 to 45.—We also object most strongly to the plan proposed for the distribution of the Endowments after the first three years as is proposed in Secs. 41 to 44. For the first three years the Scheme recognises the principle of proportionate division of the whole Endowment of each school, but after that period a different plan is proposed by which after granting a minimum of 25 per cent. to each Local Board, the residue of 50 per cent. from the Cavan Royal School Endowments, together with the residue of the Endowments from the other Royal Schools shall form one common fund, which is to be distributed, as result fees, in a manner and on a principle which are neither just nor satisfactory, and which must necessarily lead to endless strife and bitterness. We consider that the property should be divided in fair proportions between Roman Catholics and Protestants, and that the two parties should not be brought into collision or competition with each other. We would approve of any reasonable plan whereby the different Protestant schools to be established could be brought into competition.

Page 28, Secs. 50.—We further object to the proposed arrangement respecting the disposal of the school premises. We consider that the buildings should be used for educational purposes, and should be given over, free of charge, to the Protestant Board in consideration of the special wants of the Protestant Body for intermediate school accommodation.

Page 31, Sec. 53, Schedule III., page 39.—We most decidedly object to the proposed transfer of the sum of £5,305 18s. 5d. Government Stock standing in the books of the Governor and Company of the Bank of Ireland in the name of the Commissioners of Education in Ireland, designated as Cavan Royal School General Investment, to the compensation fund. This sum of £5,305 18s. 5d. has been accumulated during past years by depriving the Cavan School and the Cavan community of advantages to which they were justly entitled; and we consider it would be an act of injustice to deprive the Cavan locality of the benefits of this important portion of the Endowments. We consider that the balance of the said sum of £5,305 18s. 5d., after compensating the present masters, should be dealt with as a part of the Endowments of the Cavan Royal School. We further consider that the endowment of each Royal School, or any capital sum at present placed to its credit, should bear the cost of compensating any master belonging to said school entitled to receive same, and that neither, at the present time nor at any future time, should the funds of the Cavan Royal School be charged with any portion of the sum necessary to be paid as compensation to the master of any of the other Royal Schools.

Page 33, Sec. 59.—We also object to any portion of the property of the Cavan or other Royal Schools being called upon to pay any portion of the Minimum Grant to the Armagh Roman Catholic Board.

Signed, W. R. HUTTONSBOROUGH,  
Hon. Sec., Kilmore Diocesan Council.

The Rectory, Ballisodare.

June 28, 1888.

#### XXVI.—The Intermediate Education Committee of the General Assembly of the Presbyterian Church in Ireland.

I. The Committee object to the constitution of the body to be known as "The Commissioners of Education in Ireland." They are of opinion (1) that the number of the proposed Commissioners is too large; (2) that the mode of election is unsatisfactory, and (3)

that no provision is made to secure an adequate representation of the Presbyterian Church on the Commission. They are of opinion that a small body of three or five Commissioners should be nominated by the Lord Lieutenant, that the various religious denominations

should be represented in fixed proportions upon the Commission, and that the names of the first Commissioners should (if possible) be given in the scheme. They suggest that as the endowment is an Ulster one, the fixed place of meeting of the Commissioners should be in Ulster.

II. They are of opinion that in section 44 of the Draft Scheme, the word "may" should be read "shall," so as to make it compulsory upon the Local Boards to claim for any Intermediate school within their respective districts which fulfils the conditions laid down in section 45. If the word "shall" be adopted, the section must of course be further modified so as to provide that the Protestant Local Boards shall claim only for Protestant schools, and the Roman Catholic Local Boards for Roman Catholic Schools.

III. They are of opinion that the minimum attendance provided for in section 45, sub-section (II.), should be reduced from twenty-five to ten, and that the number of pupils required to pass a qualifying examination should be fixed at one for every five pupils in regular attendance at the school.

IV. They propose that the provisions of section 45 should be extended to mixed schools of boys and girls by adding to the words "In a boys' school," in (b) the words "or a mixed school of boys and girls."

V. They are also of opinion that no fees for results should be paid in respect of any pupil attending at a school, unless such pupil was born within, or his parents reside within, the district of the Local Board which claims for the school at which he is in attendance.

VI. They are of opinion that the mode of marking for results, set out in Schedule I., should be amended by providing extra marks for pupils who obtain honours at the several examinations, as, for example, 4 marks for an exhibition in the Junior Grade, 6 for an exhibition in the Middle Grade, and 8 for an exhibition in the Senior Grade of the Intermediate Board's examinations, and 8 for a scholarship or exhibition obtained at entrance to a University.

VII. They propose that instead of providing free places in schools sharing in the minimum grant for deserving boys from elementary schools, a certain number of exhibitions of £10 each, to continue for two years, should be provided out of the revenue for each district, and that these exhibitions should be awarded in the manner mentioned in section 45, save that the District or Head Inspector of National Education should be the examiner. These exhibitions should be tenable only if and so long as the winners attend an Intermediate school under the Local Board of the district.

VIII. They are strongly of opinion that the mode of disposing of the existing school buildings and premises should be settled by the Commissioners and embodied in the scheme.

Subject to these objections and proposed amendments the Committee approve of the general tenor of the Draft Scheme.

JAMES HENRY,  
Solicitor for Objectors.

41 Lower Bockville-street, Dublin.  
June 23, 1888.

#### XXVII.—*The Methodist Conference.*

1. The Scheme is a departure from the principle of united secular and separate religious instruction, which has heretofore been the principle recognised by Parliament as applicable to public endowments for educational purposes in Ireland.

2. It continues and aggravates the evils arising from the present cumbersome and costly machinery employed for educational purposes, and it imposes upon the Royal Schools Endowment Fund a burden of charge for administration unwarranted by the amount of that fund.

3. It makes the mere proportion of the several denominations, relatively to the population, the basis

of the Scheme without taking into consideration what these denominations have hitherto done, or are now doing, on behalf of Intermediate or Higher Education.

4. Notwithstanding the large number on the Board of Commissioners of Education, the Scheme makes no adequate or certain provision for the representation of the Methodist Church thereon; and the provision made for its representation on the Local Boards is utterly inadequate and unsatisfactory.

WALLACE M'MULLEN.

13 Leinster-road, Dublin.  
June 20, 1888.

#### XXVIII.—*The Most Rev. Dr. Logue, Roman Catholic Archbishop of Armagh.*

1. Sufficient provision is not made by the Scheme for an adequate representation of Roman Catholics on the new Corporation proposed to be created by the Scheme, and to insure such adequate representation I respectfully insist that the Scheme should provide:

- (a.) That one-half at least of the new body, "The Commissioners of Education in Ireland," should be at all times Roman Catholics.
- (b.) That none of the existing Commissioners should have a right as such to be continued to be members of the new body corporate, or to be deemed to be Commissioners appointed by the Lord Lieutenant, or to hold office as if they had been so appointed.
- (c.) That the Council of Studies of Maynooth College should have a right to elect two of the Commissioners, and that accordingly the number of Commissioners to be appointed by the Lord Lieutenant should be reduced to eight, or the number of Commissioners should be increased to thirty.

2. The percentage of 60 per cent. of the endowments proposed to be taken from the schools in the

Armagh district and distributed over the six counties is excessive and unjust, having regard to the requirements of the district.

3. The proposal by sec. 43 to allocate an equal minimum grant to the Catholic and Protestant Local Boards is objected to as unfair and unjust, and I respectfully insist that inasmuch as much more than one-half of the school-going children in the several districts are Catholics, these minimum grants should be apportioned with a just and due regard to the relative numbers of the Catholic and Protestant children in these several districts.

4. The conditions imposed by the Scheme for schools sharing in Royal School Endowments are too severe. In Clause 45, sub-sec. (d.), the number twenty-five of pupils receiving an intermediate education should be reduced to ten, or at most fifteen, and the number of pupils who shall during a year have passed a qualifying examination should be reduced from ten to five.

5. The Scheme should provide that a qualifying examination, as mentioned in Schedules I. and II., should include the matriculation examination of Maynooth College.

6. The special provisions as to Armagh Royal School

are objected to on the following (amongst other) grounds:—

- (a.) An undue preferential treatment is given to that school.
- (b.) The school is practically constituting a Protestant school.
- (c.) The provisions made by the Scheme for the school are unfair and unjust to the

Armagh Roman Catholic Board, and to the Roman Catholic Boards in the other districts.

✠ MICHAEL LOGUE,

Archbishop of Armagh, Primate of All Ireland.

Armagh, June 10, 1888.

XXIX.—*The Most Rev. Dr. Walsh, Roman Catholic Archbishop of Dublin.*

1. As regards the constitution of the Commission, that provision be made for the election of two members by the Council of Studies of Maynooth College.

2. As regards the provision for securing upon the Commission a due representation of the various religious denominations, that words to the following effect be added: "The persons chosen in each case being persons who, in the matter of education, enjoy the confidence of the members of the religious denomination in question."

3. As regards the examinations enumerated in Schedules I. and II., that the matriculation examination in Maynooth College be added to those mentioned in the Draft Scheme.

4. As regards the "Corysfort" endowment, that, instead of distributing the endowment among the ordinary schools of the district, some plan be adopted by which the endowment may be kept together, and

may thus be made available as a substantial help in some distinct educational work, such, for instance, as the establishment in the district of a school in which special training may be given in some branch of industry suitable to the locality.

I should, perhaps, add that I propose the 1st, 2nd, and 3rd of these modifications in compliance with a request conveyed to me in a resolution unanimously adopted by the Roman Catholic Archbishops and Bishops of Ireland, at a recent meeting.

The 4th suggestion, which deals with a matter of merely local interest, I propose from myself, as Archbishop of the diocese of Dublin, in which the district in question is situated.

✠ WILLIAM J. WALSH,

Archbishop of Dublin.

4, Rutland-square, east, Dublin,  
July 10, 1888.

XXX.—*The Most Rev. Dr. Donnelly, Roman Catholic Bishop of Clogher.*

(1.) [Identical with No. 1 of objections of the Most Rev. Dr. Logue, No. VII.]

(2.) The percentage of 60 per cent. of the endowments proposed to be taken from the schools in the Fermanagh District, and distributed over the six counties, is excessive, and is unjust, having regard to the requirements of the District, and the provisions of the Charters under which the schools in the District were founded and endowed.

(3), (4), and (5). [Identical with Nos. 3, 4, and 5 of objections of the Most Rev. Dr. Logue, No. VII.]

✠ JAMES DONNELLY,

B. C. Bishop of Clogher.

Bishop's House, Monaghan,  
July 6, 1888.

XXXI.—*The Most Rev. Dr. McGee, Roman Catholic Bishop of Kilmore.*

1. The distribution of endowments should be on the basis of population.

2. Provision is not made for adequate representation of Catholic interests on Central Board.

3. Too many marks are given to Matriculation Examination in a University.

4. As I understand the scheme, the money to credit of Cavan Royal School (£5,205 18s. 6d.) is to go into a common Compensation Fund. I submit the Head and Assistant-master of the Cavan School should be compensated out of this sum, and surplus be put to credit of Cavan district. The Cavan endowments for distribution between Local Boards are small compared with those available for distribution in some of the other districts.

5. I doubt if Local Estates Boards will collect rent and manage property as well as in an agent disconnected with locality could.

6. I think the school lands should be sold under Lord Ashmead's Act, the money invested and distributed without such elaborate machinery as required by present Scheme.

7. I suggest that entrance examination into Maynooth College be put on a par with passing Senior Grade examinations of Intermediate.

✠ EDWARD MCGEE,

Bishop of Kilmore.

Cliffes House, Cavan,  
June 28, 1888.

XXXII.—*The Most Rev. Dr. O'Donnell, Roman Catholic Bishop of Raphoe.*

As the scheme now stands I make no objection on behalf of the Catholics of this diocese to the giving of equal minimum grants to both Local Boards. I also think the net income of the Raphoe estate, together with the annual value of the buildings, scarcely suffices to secure the requisite amount for these grants. But as I have heard that objections have been lodged against that portion of the scheme which gives our people a chance of meeting some part of the balance accruing elsewhere after minimum grants have been allowed, permit me to say, that this provision of the scheme is essential in order to meet the fair demands

of the Roman Catholic population of Raphoe. If the intended arrangements were changed we should be forced to claim more than half the local endowment, owing to the fact that we have by far the greater part of the population, and a very much larger number of boys seeking intermediate education, than the various Protestant communities. As matters stand the Catholics of Raphoe are treated on precisely the same principle as their brethren in neighbouring dioceses, for the surplus is different of course for each locality; but we entirely object to any arrangement which would preclude us from the oppor-

tunity of getting from the Royal Schools endowments the rewards by which we hope to see the annual amounts paid to our Board exceed those coming to the Protestant Board of Raphoe, in accordance with the claims which we always have based on a larger population and a larger number of students.

I understand objection has also been taken to confining this Raphoe endowment to the diocese. Well, as a matter of fact, one of the gentlemen recommended by me for membership of our Local Board resides in Strabane, in the diocese of Derry. The reason, however, for suggesting his name was that he has property near Raphoe, and takes a great interest in education. But the objection is of no value.

The Catholics residing in parts of Donegal, not in this diocese, who wish for any education beyond what is elementary, go to such diocesan centres as Derry or Monaghan to obtain it. They must sometimes come to Letterkenny, and we hope to have them again. But there is no Intermediate school in those districts of Donegal that lie outside the diocese of Raphoe, and no hope of any being established. Besides, of course in your scheme the diocesan division has been wisely followed even to the extent of including a county.

— PATRICK O'DONNELL.

Letterkenny.

June 23, 1888.

XXXIII.—*The Very Rev. Dr. Henry, President, St. Malachy's College, Belfast.*

See Evidence, p. 391.

On behalf of the Trustees of this College, I take the liberty of objecting in the strongest terms to the Draft Scheme for the redistribution and future management of the Ulster Royal School Endowments. My objection is principally against that part of the Scheme, which confers the Endowments to the districts in which the estates are situated, and in which the schools have been hitherto maintained.

The Commissioners in their Scheme (page 2) say that they think the people of those localities, for whose benefit the Endowments were originally intended should not be deprived of them. If they had said "from the localities instead of" of the localities "my objection could not be urged. But, I say, that the people, who have migrated from those localities in which the estates and schools are situated, and settled down elsewhere in sufficiently large numbers, in the same province, have a just claim to a fair share of the Endowments of the Royal Schools. The people of the districts specified have, especially for the last fifty or sixty years, from various motives, and with great advantage to the State, settled down in large numbers outside the areas of the estates, being drawn to the increasing centres of population, viz. — Belfast, Londonderry, Lurgan, Lurgan, &c. Of these, many no doubt, are the descendants of those whose lands were confiscated and have at least in equity a derelict claim. Take Belfast with its present population of over 200,000 inhabitants, of whom about 70,000 are Catholics. In the year 1639 the town contained only 600 inhabitants. From this year the population has continued to increase by thousands. Thus we find the inhabitants to number —

In 1767 -	9,549	In 1831 -	93,987
" 1792 -	35,303	" 1841 -	135,206
" 1793 -	38,390	" 1851 -	166,560
" 1810 -	37,632	" 1861 -	181,603
" 1821 -	36,727	" 1871 -	176,344

The great bulk of these immigrants came from the several counties of Ulster as may be seen from a

memorial in process of signature, which will be presented to the Commission, if they entertain any objection.

These people could not be said to have forfeited their rights to State educational advantages by removing from one county of the province to another. We find that in the time of Charles I. the schools established at Mountnorris, Mountjoy, and Donegal, were removed to Armagh, Dungannon, and Raphoe, to bring education to the people for whom it was intended. On the same principle there is nothing to prevent the Commissioners extending the area, so that the people for whom the Endowments were originally intended, may reap the advantages instead of continuing to pester schools that have miserably failed, and adding others, which, if we can judge from a long-extended experience, must also fail.

The Catholics then of the towns of Down, Antrim, &c., seem to have a just claim to a share of the Endowments. If they have, non-Catholics have an equal claim, but the Commissioners in considering the latter claim should take into account the present Endowment of non-Catholics for Intermediate Education. They have the exclusive use of the Model Schools of Ballymena, Ballymoney, Belfast, Carrickfergus, Coleraine, and Newtownards, whose buildings cost the State over £45,000, and on which is annually expended a sum of about £8,000.

In the interest, therefore, of the claims of the Catholics of Down and Antrim, and in the interest of education, I venture to enter my protest against the partial character of the proposed Scheme, and hope to obtain an opportunity of supporting this objection and also an objection to the part of the Scheme for the reconstitution of the Commissioners.

H. HENRY, D.D.

St. Malachy's College, Belfast.

June 23, 1888.

XXXIV.—*The Very Rev. Dr. Hassan, President, St. Columba's College, Londonderry.*

See Evidence, p. 361.

I claim for St. Columba's College a share in the Endowments on the following grounds:—

1. That from Diocesan lines—a great portion of Donegal, being in the Diocese of Derry; from business lines—Derry City being considered more or less as the Capital of Donegal; from geographical lines—Derry City being on the Donegal side of the river; the area for Donegal should include the City of Derry.

2. That a large proportion of the boys in St. Columba's come from Donegal.

3. That you cannot exclude St. Columba's without practically excluding from the benefit of the Endow-

ments a great and the most deserving portion of Donegal—Inishowen.

4. That St. Columba's is looked upon as much the centre for education of the Tyrone and Donegal boys as it is of the Derry boys.

5. That any Board representing Tyrone and Donegal is not rightly constituted that has not representatives from Derry Diocese.

J. HASSAN.

St. Columba's College, Londonderry.

July 7, 1888.

XXXV.—*The Very Rev. B. McNamara, P.P., V.P., Omagh.*

In reference to the Scheme published regarding the Royal School Endowment, I beg to state that in my opinion there is not a proper distribution in the appointment of Trustees.

I have under my charge two Intermediate Schools—the Christian Brothers for boys, and Loreto Convent for girls. I believe they are the only Catholic Intermediate schools in the county, yet there is not a single

Trustee named in the Scheme who lives within twenty miles of Omagh. I am strongly of opinion that endowments should not be extended to any portion of the County Derry, as that county was more amply provided for by the London companies.

B. MCNAMARA, P.P., V.P.

Omagh, June 22, 1888.

XXXVI.—*The Schoolmasters' Association.*

CLAUDE 55.—The part of the Scheme which, from the schoolmasters' point of view, stands most in need of amendment is the 36th clause. We are very strongly of opinion—

A. That in the details of school management, mentioned in the second and third paragraphs, excessive powers are assigned to the Local Board, and that most of them should be transferred to the Head Master;

B. That the tenure of head masterships, as provided in the fourth paragraph, is insufficiently secure; and

C. That a paragraph should be added providing that the Local Board shall arrange for the payment of retiring allowances to Head Masters who are dismissed for other cause than misconduct, or who, after a certain length of service, retire on grounds of ill-health or advancing age.

## A.

## 1. The appointment of masters:

(a.) Even as regards head masters, we are inclined to think their power should be shared with, and to some extent controlled by, a small central committee, which should consist of educational experts. The Local Board, formed as it would be of clergymen, country gentlemen, and professional men, without special experience in the work of education, would, we imagine, be glad of the assistance of members of the staff of colleges and universities, who would be better judges than they of the value of testimonials, and to whom the career of the candidates for the post would generally be well known. Such help they would no doubt seek inferentially in any case; but would it not be better that it should be done regularly and officially, and that the appointments should be made in some such way as those of Incumbents of Parishes, who are chosen by a mixed Parochial and Diocesan Board of Nomination? The existence of such a Central School Committee would be advantageous in many ways, and would give a certain cohesion to the Scheme which, as drafted, it appears to lack. There is unity in the pecuniary arrangements;—in the educational, perhaps rather excessive independence.

The above remarks apply, however, specially to the Protestant Local Boards. In the case of the Roman Catholic Boards no such arrangement would be necessary, as the church takes charge of education, and an ample degree of cohesion is supplied by its already perfect organization.

(b.) The appointment of Assistant "Masters and other members of the teaching staff" should, we are convinced, rest with the Head Master. For the successful management of a school, it is essential that the reins should be in a single hand. In the first place, none but the Head Master can tell what conditions have to be fulfilled by a candidate for the post. He knows what classes need a teacher; what the ages, abilities, and attainments of the pupils are; in what departments most strength is wanted. If an unsuitable man is appointed, the whole organization of the school will be upset, and numberless evils will arise. But even if a well-qualified man were chosen, the risk

of friction between him and the Head Master would be serious; a friction which ill-disposed boys would try to increase; while the well-disposed would often be puzzled under the conflict of authorities. The recent tendency has been in the opposite direction. Under the Erasmus Smith Board, for instance, the first Assistant Master at the four grammar schools used to be appointed by the Governors, but this practice has ceased; the appointment of the entire Staff now vests in the Head Master, and through him the salary of the first assistant is paid, and it is agreed that the present system works well.

Moreover, promptness and decision, both in appointment and in dismissal, is often necessary, and the action of the Board would almost certainly be too slow.

The evils we foresee, from vesting the appointment of assistants in the Local Board, might indeed, to some extent, be obviated if the Head Master were, *ex-officio*, a member of the Board, or of the School Committee, with full power to sit and vote on all questions, except those directly concerning himself. But even this plan would complicate matters unnecessarily and inexpediently; and we conceive that in the selection of the Staff, the Head Master should be absolutely unfettered. At the very most a veto might be given to the Board, and an appeal to them allowed in cases of wrongful dismissal.

2. "The number, salaries, and emoluments" of the Assistant Masters are also matters which may be much more safely left in the power of the Head Master. It is so in most existing schools. Is it found to work badly? Is not the best plan to use every effort, indeed, to choose a good Head Master; but when he is chosen, to leave all details to him, subject to certain general regulations, only taking care that it is to his own interest to secure the success of the school? If he is hampered by arrangements to which he is not even a consenting party, by colleagues either altogether unsuitable or at least thrust upon him from without, of collective authority with himself, and irrevocable by him, he will lose his sense of responsibility and of interest in the work; and in case of failure will, with good show of reason, cast the blame upon his circumstances. In fact, if all power, all initiative is taken away: good men will think many times before they accept what will appear to them so servile a position.

If the considerations are just as regards the Teaching Staff, they apply with increased force to the case of other members of the Staff. Is it not almost a *redoubt* ad absurdum of the principle on which the Clause is drafted, that the appointment and emolument of kitchen maids and pantry boys should rest with the bishops and squires who form the Local Board?

3. "Are not the various branches of Education to be taught" sufficiently laid down in 45 (b)? And may not the few remaining subjects be safely left to the Head Master's judgment?

4. The fixing of terms and vacation is a less important matter perhaps, but it seems to be one that would be more suitably entrusted to the Head Master than to the Board.

5. "Rules and regulations for the maintenance of order and discipline," the Local Boards, or the members composing them, or any individuals, external to the School itself, are absolutely incompetent to make. And if they did make them, a Head Master could neither carry them out if he would, nor probably would be if he could. He must make his own rules, and, within very wide limits, use his own methods of enforcing them, and he must be able to make or use them as emergencies arise, unfettered and undelayed. Supreme power must be left in his hands, subject at most to the condition that if he be judged after a fair hearing to have abused it he shall be liable to dismissal.

## B.

The dismissal of Assistant Masters has been dealt with by implication in connection with their appointment. And, with regard to Head Masters we need not perhaps add much to the arguments used before the Privy Council on our behalf in the matter of Schemes No. 15 and No. 28. It is certainly not for the interests of the Schools that their Head Masters should be placed in a position of undignified dependence. It would deprive them of the best men for masters, and would cramp the energies of such masters as might be found to accept the position. Further, too great ease of dismissal would very likely lead to experimental appointments, and to frequent changes, which would be most disastrous for the pupils. Could the case be met by granting an appeal to the full Board of Nomination, including the proposed Central Committee?

## C.

We are of opinion that to any Scheme of School Endowments a pension clause is essential. On voluntary retirement the pension should be conditional upon a certain minimum length of service, should be roughly proportional to the excess of a Head Master's service above that minimum, and also to a definite maximum. It might, if it were thought advisable, be to some extent dependent on the value of his services as determined by the success of the school while under his control. In case of dismissal before the expiration of the minimum term, for any other reason than distinct misconduct the Board should also be required to provide compensation. It seems to us a case of simple justice that retiring allowances should be granted; but there can be no doubt that it is also expedient. The prospect of something—even something small—to retire upon will attract better men and will lead a Master to devote himself much more heartily to his work; while the consciousness of having to provide pensions will increase the desire of the

Board to choose the best candidates—the men who will be likely to remain longest in office.

There are one or two other but very minor points, on which we crave permission to say a word or two.

CLAUDE 45.—(b). Is not "Euclid" as a man's name, out of place in a list of subjects? In the present state of opinion, with regard to Geometrical teaching, would it not be better to leave the text book optional, simply prescribing Geometry.

CLAUDE 45.—(c). Does the word "subjects" (line 4), mean all the specified subjects? If not, it is vague; if so, the number of pupils required to pass will probably be found rather excessive. In this opinion we are guided by statistics.

CLAUDE 45.—(f). a "All the subjects taught in the School" seems too sweeping. It would probably include subjects which it would be undesirable for the pupil to learn, but which he yet might claim to be taught; and, perhaps, also such things as Instrumental Music or Painting in Oils, for which every one is charged a special fee. This can scarcely be intended. β "The highest fee charged to Day Pupils" is also possibly unintentionally inclusive. Would it not be better to substitute for a "All the subjects specified in clause 45 (b)," and after β to insert the words "for instruction in the aforementioned subjects?"

SCHEDULE II.—(a). We would suggest allowing Natural Philosophy or Chemistry to stand as an alternative for French or German.

(b). Such an Examination as that for the Indian Civil Service, or for the Royal Military Academy or College, might fairly count, even though the successful candidate did not take up all the subjects named in (c).

Before closing we wish to state very distinctly that we do not venture to offer the foregoing observations in the interest merely of Head Masters themselves. We see, indeed, that Head Masters might have a most undesirable position if the Local Boards exercised, even with the best intentions, all the powers entrusted to them. But it is of the bearing of these powers upon the interests of the Schools, and of Intermediate Education in general, in connection with the new Scheme, as our position and experience enable us to see it, that we find in our duty to speak. We trust accordingly, that no apology need be offered for addressing the Commissioners at such length.

Signed on behalf of the Association,

RICHARD BUDGE,

Hon. Sec.

June, 1888.

### XXXVII.—The Standing Committee of Roman Catholic Head Masters.

The Committee object:—

1. To the constitution of the Commissioners of Education as proposed under clause 2 of the Draft Scheme. The constitution not providing sufficient security for an adequate representation of the Catholic community.

2. To clause 50 and subsequent clauses, as affecting:—

- The area over which the endowments is to be distributed.
- The constitution of the Local Boards.
- The control over Local Boards (such control not being sufficient in our opinion).

3. To Schedules I. and II., pages 38 and 39 of Draft Scheme.

The entrance examination to Maynooth College ought to be mentioned under these schedules as one of the examinations admitted under the Scheme for the distribution of the residue.

J. E. RUFFIN.

Blackrock College, June 30, 1888.

### XXXVIII.—Committee appointed by Inhabitants of Town and Neighbourhood of Raphoe.

Resolutions adopted at a meeting held June 26th, 1888:—

I. That we emphatically object to some of the provisions of section 50 in the Draft Scheme, relating

to the disposal of the school buildings and premises, for the following reasons:—

(1.) Because the buildings belonging to the Raphoe Royal School were originally erected as part of a

Protestant endowment in what was and is for the purpose of Intermediate Education, an almost exclusively Protestant locality; and, in our opinion, the proposal contained in the Draft Scheme as to the public letting or sale of the school premises would certainly lead to their alienation from the purpose they were designed to serve.

(1) Because, in the opinion of this Committee, unless the present school buildings are retained by the Protestant Local Board, an Intermediate School under the control of that Board, and fulfilling the conditions laid down in the Draft Scheme, cannot be maintained in Raphoe or neighbourhood. Apart from the present school premises there is no school accommodation suited for the purposes of Intermediate Education; and the funds arising from the endowment would not admit of any such being provided, if the present buildings passed into other hands.

(3) Because, with the funds proposed to be put at the disposal of the Protestant Local Board, we believe there is no part of Co. Donegal, outside the Raphoe district, where an Intermediate School, fulfilling the conditions laid down in the Draft Scheme, could be

established or maintained with any hope of success.

II. That, having regard, therefore, to the spirit of the founder's intentions, and to the educational advantages of the class of persons inhabiting this particular area who are entitled to the benefits of the endowment, and having regard, moreover, to all the circumstances which the Draft Scheme itself (page 28, section 50, a, b, c, d,) directs to be taken into account by the two Local Boards or Estates Committees in considering this question of the disposal of the school premises of their district, we respectfully request your Commission to insert a provision in the Scheme to the effect that, subject to any claims which may be made arising out of private endowments, the existing school premises in Raphoe shall be offered, in the first instance, to the Donegal Protestant Local Board at a fair annual occupation rent.

Signed, WILLIAM LEWRY BEEKELEY,  
Hon. Secretary.

Raphoe, June 27, 1888.

#### XXXIX.—*Protestant Denominations in West Donegal.*

We object in the strongest and most decided manner to the proposal to hand over to the Roman Catholics of Ireland any portion whatever, however small, of those endowments intended for the education and advancement of the Protestants of Ireland, as being inequitable and contrary to the intentions of the original donors. We therefore demand, as of right, that this portion of the scheme shall be, not merely modified, but withdrawn altogether.

We also object to the constitution of the proposed Protestant Board for the county of Donegal—*ist*, That the parties named as members of the said board, instead of being so selected as to represent the different parts of this great county, are taken from a comparatively small area, *tho*, in the neighbourhood of Raphoe—an area comprising about 100 square miles, while that of the county comprises 2,000 square miles: thus excluding the whole of West Donegal from having even one representative on the proposed board. *2dly*, That it is proposed in your draft scheme that the Protestant Board should consist of three representatives for the Church of Ireland, five for the Presbyterian Church, one for all other denominations. We wish to point out that of the Protestant population of this county the Church of Ireland has 51·7; the Presbyterian Church 42·9, and all other denominations 4·3 per cent., thus showing that the Church of Ireland outnumbered the Presbyterians and all other denominations in the county, and yet, when we look into your scheme for the constitution of the board, we find three representatives of the Church of Ireland, five of

the Presbyterian church, and one of all other denominations. The gentlemen, however, named under this latter head, actually being a Presbyterian, thus giving the Presbyterian element a preponderating majority on the board.

To remedy this state of things we wish to suggest two proposals, *viz*, That the number on the board should be increased to twelve, *i.e.*, six of the Church of Ireland, five of the Presbyterian Church, and one of all other denominations. The additional three members to be selected from West Donegal. If, however, the Commissioners should determine to adhere to the number nine, then as the Church of Ireland so far outnumbers all other denominations in the county, it stands to reason and equity that her representation should outnumber that of the others, and that therefore she should have upon the board five members, the Presbyterian church three, and all other denominations one, care being taken that that one shall not be in reality a Presbyterian. In this connection we may also mention that the Census for 1851 shows that the Church of Ireland is increasing in its percentage, while the others exhibit a decrease in theirs.

SAMUEL REID, D.D.,  
Vicar of Donegal.

WILLIAM HUNT, D.A.,  
Rector of Killymaran.

Donegal, June 28, 1888.

#### XI.—*The Local Committee representing the various Protestant Denominations in the County of Fermanagh.*

While recognising in the Commissioners' Draft Scheme some of the principles which we have ourselves advocated for the better application of the Enniskillen Royal School Endowment, we feel that we would not be doing our duty to the various Protestant denominations we represent were we to accept the Scheme in its present form.

I. We object to the principle upon which it is proposed to divide the Endowment both during the first three years and afterwards.

We beg to call your attention to the fact that the middle classes among the Protestants of this locality have been almost as much debarred from availing themselves of the advantages of the Royal School as the Roman Catholics were owing to the exorbitant

prices at which such education could be obtained (see Evidence in the Commissioners' last Report, page 27). Thus, while the one class was shut out by the restrictions of their religion, the other class was to a large extent excluded by excessive fees. The Roman Catholics having a very flourishing college at Monaghan, where education could be had for 25 and £25 per annum for day pupils and boarders respectively (see Evidence, Commissioners' last Report, page 37), have therefore had immense educational advantages over Protestants who were dependent on Royal Schools of late years; and yet the statistics of the Intermediate Examinations show that in the years 1886 and 1887, out of the number of boys who passed in the various grades from the six

counties to which the Royal School Endowments are applicable 125 were members of the various Protestant denominations, while only 25—or exactly one-sixth of the total—were Roman Catholics.

From this and other facts already submitted to the Commissioners in our evidence at the Public Inquiry here on 4th October, 1886, it is evident that a much larger proportion of boys connected with the various Protestant denominations require a higher education than among the Roman Catholics. Thus while the Census Returns may show a larger number of Roman Catholics than Protestants, yet the foregoing statistics prove that the Protestants supplied five times as many candidates for Intermediate Examinations at the times and places named. We are informed that the number of Protestants going forward to University Examinations in the said six counties is also greatly in excess of the number of Roman Catholics.

Having regard to these facts, and also to the fact that the Roman Catholics have objected to work with Protestants on the principle of united secular education, we propose that there should be no common fund, but that there should be now a final division of the Endowment among the various religious bodies entitled to share in it. We do not think it unreasonable to ask that in this final division the Protestants of this district should receive in addition to the school premises—hereinafter more fully referred to—at least two-thirds of the revenue from the Enniskillen School Estate in each year, when we remember the foregoing facts, and this additional sum, that there are three distinct corporate bodies of Protestants claiming an interest in the Endowment—Protestant Episcopalians, Presbyterians, and Methodists—so be dealt with.

2. We object to the contemplated forced sale of premises (as per section 50 of the Draft Scheme), and to their alienation from the educational and religious purposes they were originally designed to serve.

We maintain that the Commissioners ought not to sell the buildings and adjacent grounds (as the Scheme empowers them to do) for any purpose, but that they should be given to the *Fermanagh Protestant Board of Education* for the use of all Protestants here who require higher education. The Roman Catholics having a very flourishing seminary at Monaghan, with ample accommodation for all the Roman Catholic boys who are likely to require higher education in years to come, do not need another large establishment here for a similar purpose. Besides the Scheme attaches county Monaghan to this county, apparently for the express purpose of allowing the Roman Catholics to use their share of the Endowment at their institution in Monaghan.

The Protestants not having any other suitable place for school buildings here, and being, therefore, in greatest need of such school accommodation, claim them, in addition to their share of the revenue already referred to, as part of their heritage. Indeed, if the Scheme be not altered in this and some other respects we greatly fear the task assigned to the Local Board would be an altogether impossible one.

3. Further, we request that the Protestant share of the Endowment be vested in the *Fermanagh Protestant Board of Education* as provided and constituted

by the Scheme; and that this local authority should not be hampered by any of the qualifying conditions mentioned in section 45.

We feel confident that the interests of education here would be perfectly safe in the keeping of said Board, and that any Government powers of inspection the Commissioners consider necessary would be quite sufficient to insure the efficiency of the school and the proper allocation of the funds.

4. We also object to the annual election of the members of our Local Board. We cannot see any sufficient reason why the members of a Protestant Board should not hold office for the same length of time, and under the same conditions as Roman Catholics. (See section 28.)

5. We object to any portion of the Enniskillen Endowment being spent on Armagh School, as section 55 gives the Commissioners power to do.

6. We object to the constitution of the new Board of Commissioners in Dublin on two grounds—

(a) The Board seems to be unnecessarily large.

(b) The Lord Lieutenant has too great discretionary power in the selection of his nominees.

We think that the ten Commissioners elected by the Local Boards as proposed, together with ten others elected by the Lord Lieutenant, in definitely defined proportions from the various religious bodies, would be quite adequate to discharge all the duties likely to devolve upon them.

We much regret to see that the whole policy of the Scheme seems to be to divert as much as possible of our valuable endowment away from this locality, and from the class of persons for whom the Charter undoubtedly intended it should be applied.

We protest against the manifest bias of the whole Scheme in favour of the Roman Catholics and against the obvious disregard of the evidence of the Protestant witnesses in many vital matters: and we hereby claim the right to be heard in support of our objections and amendments, at such time and place as the Commissioners may appoint.

(Signed), CHAS. M. CLOUGH.

WM. TRELL, J.P., Chairman Enniskillen Town Commissioners.

CHARLES T. OVEREND, Rector of Enniskillen.

C. HALAHAN, Rector of Rosbeg.

GERALD LLOYD WHITTAKER, Ck., B.A.

R. CRAWFORD JOHNSTON, Methodist Minister.

EDW. SMYTH, J.P.

WM. GALT.

W. CANNON, J.P.

W. B. COONEY.

HENRY FLEMING.

J. WHITFIELD DANE.

S. CUTHBERT MITCHELL, Hon. Secretary, Protestant and Presbyterian Minister of Enniskillen.

Enniskillen, June 23, 1886.

Resolutions passed at a Public Meeting held at Enniskillen, on June 23, 1886:—

"That this meeting, representing the various Protestant denominations in the county of Fermanagh, protests in the strongest manner possible, against many of the provisions of the proposed Scheme for the future management and distribution of the Endowment attached to Portora Royal School."

"That, having regard to the fact that the Endowment connected with Portora Royal School was

originally granted 'for the advancement of learning and the Protestant religion,' this meeting is of opinion that in any future distribution thereof the school premises, together with the larger share of the Endowment, should be vested in the Fermanagh Protestant Board of Education for the benefit of the Protestants of all denominations in this locality who require a higher education."

XII.—*The Protestant Local Committee at Dungannon.*

Resolutions passed at a Public Meeting held June 26, 1868.

Resolved—

1. That in the division of the property of the Royal Schools, as contemplated in the Scheme, a much larger proportion should in justice be given to Protestants.

2. That this meeting strongly objects to the disposal of the school premises as provided by the Scheme (sec. 50), believing that a sale will thus be forced at an inadequate price and the buildings alienated from educational purposes, and we claim that the Dungannon School buildings and grounds should be left in the hands of Protestants.

3. That this meeting objects to the representation of universities on the Central Board as proposed in sect. 3, p. 7-8, believing it would be more efficient if composed of members nominated by the Lord Lieutenant in definite proportions according to their religious discriminations, and members of the Local Boards.

4. That this meeting objects to the Scheme on the ground that it makes no provision for the vested interests of pupils who have been for some time past attending the Dungannon Royal School with a view to competing for Exhibitions.

5. We are of opinion that the residue of the fund from any one district should not be taken from the locality as contemplated in section 44, and we also object to the inclusion within the Tyrone district of any portion of the county Derry.

6. That this meeting requests the present committee to continue to act for the furtherance of the objects of the meeting.

(Signed), JACOB ORR,  
Secretary to Local Committee.

Dungannon, June 26, 1868.

XIII.—*W. M. Mitchell, Esq., Architect to the Commissioners of Education.*

DEAR SIR,—I beg leave to intimate to the Educational Endowments (Ireland) Commissioners, that I object to the Draft Scheme for the future government and management of the Royal School Endowments, on the ground that no adequate provision is made for compensation to me for my vested interest as Architect to the existing Commissioners, in the event of my office being hereafter discontinued by the Commissioners constituted under the Draft Scheme.

(1.) I have been employed as Architect and Surveyor by the Commissioners for more than eight years at a fixed salary of £84 a year. I am, therefore, I respectfully submit, an officer in their employment within the meaning of Clause 7 of the Draft Scheme, and am entitled to the benefit of the provisions of that clause. If there is any doubt as to my claim to be an officer of the Commissioners I should wish to have my position definitely ascertained.

(2.) Assuming that I am an officer within the meaning of Clause 7, and would be entitled to continue to hold office under the newly-constituted Board, a difficulty arises in my case which I think ought to be provided for. The new Commissioners will, so far as I can see, have little or nothing to do with the school buildings, which will be under the control and care of the local boards. In that case there will be no occasion for an architect in the employment of the central Commissioners, and they could not be expected to retain in their employment an officer for

whom they had nothing to do. There is no provision in the Scheme for the retirement with suitable compensation of an officer whose services are no longer required, and I respectfully submit that, in my case at least, such a provision is required. It would be very unfair to me that the new Commissioners should have no option but either to retain me as their officer when there was nothing for me to do, or else to dismiss me without compensation for loss of office.

(3.) I would respectfully suggest that Clause 7 should be amended by making it the duty of the new Commissioners to provide a reasonable compensation by way of retiring allowance or otherwise for officers of the present Board whose services should at any time become unnecessary.

(4.) As an alternative, I would suggest that some provision should be made in the Scheme by which the Architect and Surveyor of the central Commissioners should continue to have the oversight of the school buildings in the various districts.

WILLIAM M. MITCHELL,  
Architect to the Commissioners  
of Education.

10, Leinster-street, Dublin,  
June 27, 1868.

XIV.—*The Rev. W. Moore Morgan, LL.D., Head Master, Royal School, Armagh.*

The said William Moore Morgan, sheweth that by Letter of Nomination and Appointment, bearing date the 3rd day of July, in the year 1869, under the hand and Archbishopric Seal of His Grace the then Lord Primate of all Ireland, there was conferred upon him the place or office of School Master or Preceptor of the public or Free Schools of Mount Norris, at Armagh, together with all and singular the privileges, pre-eminences, revenues, profits, commodities, fees, perquisites, and emoluments whatsoever belonging and

appertaining to the aforesaid Free School. To hold same with the rights, members, and appurtenances thereto belonging during his good behaviour therein, in as full and beneficial manner and form as any other School Master or Preceptor of the aforesaid Free School had theretofore enjoyed or ought to have enjoyed the same, and he objects to so much of the said Scheme as does not save or make due compensation for his vested interests under said letters of nomination or appointment or otherwise, and to so

much of the said Scheme as in anywise diminishes or interferes with the privileges, pre-eminences, revenues, profits, and emoluments, to which he is entitled under or by virtue of the said letter of nomination or otherwise.

The said William Moore Morgan, further objects to the said Draft Scheme, on the ground that it neither saves or makes due compensation for his vested interests as Head Master of the said School, inasmuch as although the said Draft Scheme professes to save certain of his rights in the manner in said Scheme mentioned, it does so in an inefficient manner, and upon terms and conditions which are inconsistent with his original rights.

The said William Moore Morgan shows that he has a vested interest in amongst others the following benefits and emoluments, viz. :—

1. His salary.
2. The free use and enjoyment of the Residence, School Buildings, and grounds attached, such building being at all times kept in good and proper repair and condition, free of expense to

him, all rates and taxes and insurances being paid for him.

3. The profits derived from the lands amounting to eighteen acres or therabouts attached to the said school.

4. The profits derived from boarders in the school.

5. The profits and fees derived from day pupils.

6. The advantages which accrued to the school from the Endowments of Royal Scholarships.

7. The benefit of an allowance for the salaries of assistants.

The said William Moore Morgan shows and submits that such benefits and emoluments have not been saved or duly compensated for either by the offer of present compensation, or by a scheme for his retention in which same has been preserved, and on the contrary he submits that same are and by the Draft Scheme will appear to be seriously prejudicial.

KELLY AND LLOYD,  
Solicitors for Objector.

25, Clare-street, Dublin,  
June 30, 1858.

**XLIV.—The Rev. F. H. Ringwood, LL.D., Head Master, Royal School, Dungannon.**

1. The said Frederic Howe Ringwood shows that he was in the year 1850 duly nominated and appointed by His Grace the then Lord Primate of all Ireland to the office or place of Head Master of Dungannon Royal School, to hold such appointment during his good behaviour; and the said Frederic Howe Ringwood objects to so much of the said scheme as in anywise diminishes or interferes with the profits, allowances, stipends, fees, emoluments, rights, and privileges to which he is entitled as such Head Master.

2. The said Frederic Howe Ringwood further objects to the said scheme on the ground that it does not save or make due compensation for his vested interests as such Head Master inasmuch as no adequate compensation is proposed to be made in respect of amongst others the following benefits and emoluments, viz. :—

1. His salary.

2. The free use and enjoyment of the Head Master's residence connected with the school buildings and grounds attached, such residence and buildings being kept in good and proper order, repair, and condition free of all expense.

3. The profits derived from the lands containing ten acres or therabouts attached to the said school.

4. All the profits derived from pupils resident and non-resident.

5. The advantages which accrued to the school from its being one to which the Endowments of Royal Scholarships are attached.

6. The benefit of an allowance for the salaries of assistants.

J. P. RENEWOOD,  
Solicitor for Objector.

25, Clare-street, Dublin,  
June 30, 1858.

**XLV.—The Rev. William Steele, D.D., Head Master, Royal School, Enniskillen.**

1. The said William Steele sheweth that by Warrant dated the 23rd day of June, 1857, under the hand and seal of arms of His Excellency George William Frederick, Earl of Carlisle, then Lord Lieutenant of Ireland, he the said William Steele was constituted, ordained, and appointed to be Schoolmaster of the Free School of Enniskillen. To have and to hold the same with all emoluments thereto belonging to him, the said William Steele, during his good behaviour, and be objects to so much of the said Draft Scheme as does not save or make due compensation for his vested interests under the said Warrant or otherwise, and to so much of the said scheme as in any way diminishes or interferes with the emoluments, rights, and privileges to which he is entitled under or by virtue of the said warrant.

The said William Steele further objects to the said Draft Scheme on the ground that it neither saves nor makes due compensation for his vested interests as Head Master of the said School, inasmuch as no adequate compensation is proposed to be made in respect of—amongst others—the following emoluments :—

1. His salary of £500 per annum.

2. The free use of the head master's residence connected with the school buildings and grounds attached, such residence and buildings being at all times kept in good and proper repair and con-

dition, free of all expense to him (all rates, taxes, and insurances being also paid for him).

3. The profits derived from the lands attached to the said school, containing thirty-three acres or therabouts.

4. The profits derived from boarders in the school.

5. The fees derived from day pupils.

6. Results fees from Intermediate Education Commissioners.

7. The advantages which accrued to the school from its being one to which the Endowments of Royal Scholarships were attached.

8. The benefit of an allowance for salaries of assistants.

3. The said William Steele also submits that in estimating the amount of compensation to which he is entitled under the provisions of the said Act for his vested interests (if not saved) regard should be had to the expenditure by him of £4,431 18s. 4d. in effecting valuable additions and improvements to the school-house and premises (as certified to the Commissioners of Education), no portion whereof he has ever been recompensed.

KELLY AND LLOYD,  
Solicitors for Objector.

25, Clare-street, Dublin,  
June 30, 1858.

XLVI.—*The Rev. J. A. Weir, LL.D., Head Master, Royal School, Raphoe.*

1. I claim as part of my emoluments to be permitted to occupy during good behaviour the dwelling-house in which said school is carried on, which is rated to the relief of the poor at £76 a year, or in the event of my being disturbed in the possession thereof, an equivalent annual payment in lieu thereof as was done under the Irish Church Act.

2. I claim also to be entitled to be compensated for results fees under the Intermediate Education Act, 1878, amounting on an average to £15, calculated as from 1878 to 1883, yearly.

3. I also claim in case I am dispossessed thereof to be compensated for the loss of the office of Librarian to the Diocese, which from time immemorial has been enjoyed by the school master of Raphoe, as a matter of usage invariable, resulting as I submit to strict legal right, yearly value of which is £10.

4. I also claim my income from boarders, of whom I have had for a period of seven years, preceeding the 1st August, 1883, an average number of nine. After all reasonable and fair allowances I estimate at £100 per annum.

5. I also claim my income from day scholars during

a like period of seven years, preceeding 1st August, 1883, average number twenty, £133.

6. And I submit within the Compensation Clause of the Act 48 and 49 Vic., cap. 78, section 11, I am entitled to an annual sum in lieu of all my sources of income as aforesaid.

(Signed), J. A. WEIR, Clerk, LL.D.

Raphoe, June 27, 1885.

## ABSTRACT OF THIS OBJECTION.

Paragraph	Charges	£	s	d
1	Charges	76	0	0
" 2	"	15	0	0
" 3	"	10	0	0
" 4	"	100	0	0
" 5	"	133	0	0
Total,		434	0	0
Salary stipulated,		2100	0	0

XLVII.—*The Rev. W. Prior Moore, M.A., Head Master, Royal School, Cavan.*

1. The said William Prior Moore shews, that by Letters Patent of His late Majesty King William the Fourth, duly enrolled in the High Court of Chancery in Ireland, on the 18th day of November, 1833, he was appointed to the office or place of Master of the Free School of Cavan, during the pleasure of the Sovereign, with all lands, tenements, profits, allowances, stipends, fees, and emoluments, whatsoever, therewith belonging, or in anywise appertaining, which Letters Patent are still in full force and effect, and he submits that it is not competent for the Educational Endowment Commissioners, by any Scheme under the Educational Endowments (Ireland), Act, 1885, to revoke or annul the said Letters Patent, and he objects to so much of the said Draft Scheme as proposes to dispense with his services as Head Master of Cavan Royal School, or to deal in any way with the

lands, buildings, tenements, and premises belonging to the said school, or constituting the endowment thereof, and to so much of the said Scheme as in anywise diminishes or interferes with the profits, allowances, stipends, fees, emoluments, rights, and privileges to which he is entitled under or by virtue of the said Letters Patent or otherwise.

2. [Identical in terms with clause 2 of *Objections of Rev. Dr. Ringwood, No. XXXIII.*]

KELLY AND LEON, Solicitors for Objector.

23, Chancery-street, Dublin,  
June 26th, 1885.

XLVIII.—*P. King Joyce, Esq., M.A., Head Master, Royal School, Banagher.*

The first portion of clause 63, proposes that my services shall be discontinued by order of the Commissioners, whenever they shall be "of opinion" that the school is no longer efficiently conducted by me.

My objection is—That my appointment is during "good behaviour," which is practically a life appointment, and that this clause changes my tenure into one "at pleasure"—as the Commissioners could at any time, after this Scheme is approved of, discontinue my services, and if asked for cause, they had a full answer by saying, "they were of opinion" the school was not efficiently conducted by me, even though no change in the manner of conducting it had taken place.

What is meant by "efficiently conducted"? It is left to be treated as a matter of opinion, and as opinions vary, my tenure is changed (without due compensation), from a practical life tenure, into one depending on the mere pleasure of the Commissioners.

I respectfully request that this portion of the clause be changed, or the words defined, else my Letter Patent will be repealed by the action of clause 27 of the Educational Endowments Act, and without the due compensation, which clause 11 of same Act provides in all cases in which vested interests are not "swept."

I also respectfully request the amendment of the second part of clause 63, which provides that, "from the date of the order discontinuing my services, I shall be entitled to receive from the Commissioners a retiring annuity, equal in amount to one-thirtieth part of £100 for each completed year elapsed, since date of my appointment."

The words of my "Letter Patent" are, that I am "to have and to hold the same (viz. the position of schoolmaster of Banagher Royal School), with all emoluments thereto belonging during his good behaviour."

Clause 11 of Educational Endowments Act, 1885,

estate that "due compensation" shall be made for "vested interests" of individuals holding any office, &c.

Now my vested interest, as schoolmaster of Banagher Royal School, is not in £100 merely, but also in the use and enjoyment of a free house and school premises, or their money value—£281, and besides the fees, &c., derivable from the school, vary-

ing from £35 to £135, or any on the average £80 per year. I claim therefore that my vested interest should be calculated on the sum of £100 + £281 + £80, or total £261 or 28 14s. per completed year, on the scale in the Scheme. I hope the Scheme may be amended so that the annuity may be calculated on this sum (£261), and not on £100.

*XLIX. Thomas Gordon, Esq., Assistant Master, Royal School, Armagh.*

1. That King Charles I., by Letters Patent, dated the 8th July, 1627, granted to the Archbishop of Armagh, and to his successors, certain lands for the use of the Masters of, among others, the free school then established at Mountmorris, in the county of Armagh, which was afterwards removed to the city of Armagh.

2. By the Statute 58, George III., Cap. 107, Sec. 11, the said lands were vested in the Commissioners of Education in Ireland, for the maintenance and support of the masters of the said school among others, and for the other purposes of the said Act.

3. By section 12 of the said Act, it was enacted that if it should appear to the said Commissioners that one or more under master or under masters were necessary for any such school, it should be lawful for the said Commissioners to order and direct that such share or proportion of the issues and profits of such funds or estates applicable to the support of the said schools, should be applied to the sole use and benefit of such under master or under masters respectively.

4. By section 18 of the said Act, it was provided that the under master or masters, if any, should be under the said Act endowed at any of the said schools, should and might be appointed by the head master, by and with the consent and approbation of the several persons in whom the appointment of the head master or masters was vested.

5. By section 10 of the said Act, it was provided that no master or under master of any school should be subject to deprivation of his office until such master or under master should be cited before the said Commissioners, and an inquiry had into his misconduct in the manner and subject to the provisions in said section contained.

6. That for many years prior to the appointment of your objector as assistant master of the Armagh Royal School, it appeared to the Commissioners of Education that an under master was necessary for the Royal School of Armagh, and such under master was accordingly from time to time appointed; and the said Commissioners ordered and directed that the sum of £150 a year, portion of the issues and profits of the funds and estates applicable to the support of the said school, should be applied to the use and benefit of such under master.

7. That on the 15th day of June, 1872, your objector was duly appointed under master of the said Armagh Royal School, and he has since continued as such under master, and in receipt of the said salary of £150 in addition to a salary of £100 a year, given to him by the head master of the said Royal School up to the passing of the said Act.

8. That by the Educational Endowments (Ireland) Act, 1885, section 11, it was provided that the Commissioners appointed under the said Act, should in framing Schemes thereunder, save or make due compensation for the vested interests of individuals holding any office, place, employment, pension, compensation, allowance, luxury, or emolument, under or arising out of the educational or other endowments at the date of the passing of the said Act.

9. That by clause 55 of the said Draft Scheme, it is among others provided, that if the Rev. William

Moore Morgan, M.A., shall at the date of the Scheme be still in office as head master of Armagh Royal School, he shall thenceforth so long as he continues to discharge the duties of his office be entitled to hold the same and receive the emoluments thereof, as thereinafter set forth. And it is further provided that the Commissioners shall also pay to the said Rev. William Moore Morgan, M.A., as and towards the salary of assistant master, so long as such master shall be engaged by him, and so long as the Inspector appointed by the Lord Lieutenant shall report that the services of such master are required and are efficiently rendered, the annual sum of £150 being the amount which at the date of the passing of the Act was so applied.

10. Your objector says that by the said clause 55 the Inspector appointed by the Lord Lieutenant is empowered to report that the services of your objector are not required or are not efficiently rendered, and thereupon to determine the payment of the salary provided by the said clause. If, therefore, as your objector apprehends is the case, the promulgation of the Draft Scheme, which withdraws from the Armagh Royal School a large portion of its endowments, and alters its future management has affected and is calculated to affect prejudicially in the future the prospects of the said school, and if the number of pupils attending it thereby became so diminished as to justify the Inspector appointed by the Lord Lieutenant in reporting that the services of your objector are not required, thereupon such report being made, the salary provided by the said Scheme for your objector would, without any fault on his part, cease to be payable. He therefore submits that in no case should he be placed under the control of any new authority created by the said Scheme, and that if your objector is to continue in the office of assistant master that the paragraph four of clause 55 should be omitted from the said Scheme, and in place thereof the following provision should be inserted, that is to say, "The Commissioners shall also pay Thomas Gordon, Esq., the present assistant master of Armagh Royal School so long as he shall continue in office as such assistant master the annual sum of £150, being the annual salary payable to him out of the Armagh Royal School Endowment at the date of the passing of this Act, such salary to be paid in the same manner and out of the same funds as if this Scheme had not passed."

11. Your objector further objects that by clause 51 of the said Draft Scheme no compensation whatever is provided for him upon his retiring from or vacating the office of such assistant master unless he shall continue in office as such assistant master until the Rev. Wm. Moore Morgan, M.A., shall vacate the office of head master of the said school. If, therefore, according to the said Scheme during the continuance in office of the said head master, the Inspector appointed by the Lord Lieutenant shall, owing to the limited number of pupils at any time attending the said school or for any other reason report that the services of your objector are not required, the salary of your objector as such assistant master would cease to be payable, and that through no default whatever

on his part. Your objector, therefore, submits that the compensation to be awarded him under the said Scheme should not be made dependent upon his continuance in office as such assistant master until the Rev. Wm. Moore Morgan shall vacate the office of head master.

12. Your objector further submits that he should be entitled, upon the passing of the said Scheme, to retire from the position of assistant master of the said Royal School, and upon such retirement receive from the Commissioners during his life an adequate retiring annuity, regard being had to the annual salary of £150, to which he was entitled out of the Royal Schools Endowments at the date of the passing of the Act, and the additional salary paid to him hitherto as assistant master by the said head master, and also to length of service, and that such annuity should be subject to the like provisions for commutation as are referred to in the said Draft Scheme. Your objector says that the effect of the Draft Scheme has been to unsettle the previously existing state of things and impair the position of the Armagh Royal School and render the future prospects of your objector uncertain and precarious.

13. Your objector further objects to the amount of compensation provided for him by sections 61 and 62 of the Draft Scheme, and submits that the same is wholly inadequate having regard to the emoluments which he has heretofore enjoyed, and which, having regard to the age of the Rev. Wm. Moore Morgan and his own age, being only forty-one years of age, he had every prospect of enjoying for a considerable number of years.

14. Your objector also submits that he should be exempt from the control of the Local Boards provided by section 36 of the said Draft Scheme, and that if and so long as he shall continue assistant master of the Armagh Royal School, he shall hold said office upon and subject only to the terms and conditions upon which he was appointed and now holds said office independently of the control of any other authority.

HENRY T. DIX & SONS,  
Solicitors for T. Gordon.

61, Upper Backville-street, Dublin,  
June 27, 1888.

L.—W. H. Gunning, Esq., M.A., Assistant Master, Royal School, Dungannon.

I beg leave to give notice that I object to the Scheme of the 30th April, for the future management of the Royal Schools, on the ground that due compensa-

tion for my vested interests does not appear to have been provided in said Scheme.

Royal School, Dungannon,  
June 20, 1888.

W. H. GUNNING.

LJ.—M. Beckett, Esq., B.A., Assistant Master, Royal School, Dungannon.

I object, in the strongest manner, to the loss of my appointment which the Scheme entails, as well as to the other inadequacy of the sum proposed as compensation for that loss. I beg that you will be so good as to bring these objections under the notice of the Commissioners.

My pecuniary interest in the school, at the date of the passing of the Act, consisted of a small salary paid by the Commissioners of Education, together with a further sum, with board, residence, and a share of result fees, supplied by the Head Master. If I understand the Scheme aright, the Commissioners in their provision for compensation have altogether ignored these latter considerations. I respectfully submit that that provision is neither in accordance with justice, nor, I think, with the letter and intention of the Act. The eleventh clause enacts that "the Commissioners shall save, or make due compensation for, the vested interests of individuals holding any office, emolument," &c. not merely under, but "arising out of the Endowment."

I cannot suppose the Commissioners were fully aware of the loss and injury which their proposals will inflict on the Assistant Masters—loss of their present employment, and injury to their future prospects—when they arranged their proposed scale of

compensation. To take my own case. Is the sum of £200 an equivalent for the loss of an office worth at the lowest estimate £150 per annum?

If, therefore, the Commissioners cannot see their way to save the vested interests of the Assistant Masters, I would entreat their kind consideration of the following suggestions—

1. That, in estimating length of service, account should be taken of smaller periods than five years; and that as I was an Assistant Master for four years in Enniskillen Royal School, and next January shall have been four years in Dungannon, I should obtain credit for eight years' service.

2. That compensation should be based on the whole emoluments attached to the office.

3. That as the loss sustained by the Assistant Masters will be serious, being the deprivation of their means of livelihood, the compensation, on whatever principle awarded, should be substantial, so as to be in some degree commensurate with the injury entailed by the Scheme.

M. BECKETT, B.A.  
Mathematical Master in Dungannon  
Royal School.

Dungannon, June 28, 1888.

LII.—T. C. Gardner, Esq., Assistant Master, Royal School, Dungannon.

I beg leave to give notice that I object to the scheme of the 30th April last, because due compensa-

tion for my vested interests does not appear to be provided.

Royal School, Dungannon,  
June 28, 1888.

T. C. GARDNER.

LIII.—Michael Whelan, Sergeant and Drill Master, Royal School, Dungannon.

I object to the provision made for compensation of my vested interests in the scheme for the future management of the Royal School, on the ground that my salary and emoluments as Sergeant and Drill Master at the Royal School, Dungannon, at the date of the passing of the Act of Parliament was not the

sum represented to the Educational Endowments (Ireland) Commission.

ROYAL SCHOOL, DUNGANNON,  
June 29, 1888.

MICHAEL WHELAN.

LIV.—*W. J. Valentine, Esq., M.A., First Assistant Master, Royal School, Enniskillen.*

The effect of clause 52 is in brief as follows:—That after thirteen years' continuous service and more than three other years on separate occasions at an earlier date, I am now, at the age of fifty-two, deprived of my residence and office on the first day of January next, with only a gratuity amounting to two years' salary.

When such ample powers to compensate have been conferred upon the Commissioners under the Educational Endowments (Ireland) Act, sec. 11, I do not consider the gratuity proposed in the Draft Scheme the utmost in equity permitted by the Act, or nearly approaching the "due compensation" therein mentioned, and I am not aware of any particular reason why, in any case, less than the utmost in equity should be awarded, or why the words of the Act should be harshly interpreted. On the contrary, I think there are reasons, in any case, why a liberal and generous interpretation should be put on them. Let me explain.

In the year 1875 I accepted from Dr. Steele the First Assistant Mastership at Portora. I had been known to Dr. Steele for many years, in that I had been his pupil. I had served as assistant master under him for some months in the Royal School, Raphoe, and afterwards for over three years at Portora. On Dr. Steele's recommendation in 1862 I was offered the Head Mastership of the newly-created Waterford Diocesan School. I held that mastership till the Diocesan schools were disendowed, and continued to carry on the school in Waterford for three years after disendowment. When, however, in 1875 I received from Dr. Steele the offer of a fixed and, as it seemed, well-secured salary of £100 per annum, I at once accepted it and removed my household to Enniskillen to become non-resident master. It was expressly stated by Dr. Steele that while he lived I should not be disturbed, and to get what further securities for me he could, Dr. Steele procured for me a letter from the Secretary to the then Lord Lieutenant of Ireland, stating that the Lord Lieutenant approved of my appointment. That the tenure of my office was practically secure was confirmed by the course which had been previously taken with Mr. Weir, who under Dr. Graham held my place; for when Dr. Steele succeeded Dr. Graham who retired, Mr. Weir was promoted to the Head Mastership of Raphoe. In that way, in a somewhat parallel case to mine at present, Mr. Weir's interest were saved by the Lord Lie-

tenant even without the existence of any formal legal constraint. It cannot be said that dementia of mine justifies harsh treatment, as no evidence on that point has been taken, and it is in my power to prove that I have done honest work, that I have been successful as a teacher, and that I have merited the approval of my Principal.

Permit me now to state what I should consider in equity due compensation, presuming that since January, 1884, I have been occupying rooms in Portora, rent and tax free, the value of which I estimate at £50 a year, so that the value of the place which I hold is £250—viz., salary, £200, and residence £50, this £250 made up of residence and salary, being the exact amount of salary, without residence, paid for many years to my predecessors in the office.

I think then that I am fairly entitled to an annuity or to its capitalised equivalent, which will represent the difference between the value of my present place £250, and the income I am likely to earn in the open market. I estimate this difference at £100 per annum, as I am sure that as I grow older I shall find increasing difficulty in getting adequately remunerative employment. In days of change, it has been truly remarked youth is at a premium, for though experience is valuable, experience in one order of things unites ordinary minds for another order of things.

In consequence of a uniform treatment of Assistant Masters conveniently adopted in framing the Draft Scheme, but impossible, as their interests are not uniformly affected, I am reduced, from the moderate income of £200 with residence, to uncertainty of any income at all, to an income most probably both small and insecure, being thrown on a market already overstocked with competent teachers.

In conclusion, let me add that no fear of establishing an inconvenient precedent need prevent a liberal and generous construction of the compensation clause of the Educational Endowments (Ireland) Act, in my favour, inasmuch as I am not aware that any other Assistant Master in a Royal school is similarly circumstanced at present, and in the scheme for future schools ample provision is taken by sec. 16 of the Educational Endowments (Ireland) Act, that security of tenure shall form no attraction to a laborious and scantily remunerated profession.

W. J. VALENTINE.

Portora, May 31, 1888.

LV.—*C. Hennig, Esq., Assistant Master, Royal School, Enniskillen.*

With reference to the reasons why I think I should on grounds of equity receive a higher compensation than the Draft Scheme in its present form provides for me, I beg to state the following facts:—

I was appointed as Foreign Master at Portora Royal School, Enniskillen, in the year 1880, and entered duties on the first of February. In order to be able to accept the post I had to give up another I held then in England, where I received a salary at least equal to that paid to me at Portora during the first years. I accepted, however, the appointment, because I expected not to be disturbed, and because the engagement was made with the understanding that I should be retained in office at least as long as Dr. Steele would be at Portora himself. I received at first a salary of £100 a year from the Commissioners of Education in Ireland, and in addition to that board and lodgings from Dr. Steele, making the post worth at least £150 a-year. Since the 1st of February, 1884, I received from the Commissioners only £60, and in addition to that £15 and board and lodgings from Dr. Steele, so that the value of my post is at present £125 a-year at least.

As proofs for my being duly qualified for the post, I

beg to mention—1, that I have gone through a course at a High class School in Germany; 2, that after passing the necessary higher examinations, including French and German, I have served as a commissioned officer in the Royal Saxon Army; 3, that I possess satisfactory testimonials from my former employers in England; 4, that in going through a course at the Royal University of Ireland, I have obtained first-class honours, (first place) in French and German at all the examinations, at which I was allowed to present myself according to the rules of the University, and first class honours, first place, in Modern Literature at the degree examination.

Dr. Steele would no doubt be kind enough to bear witness, that I have at all times fulfilled my duties punctually and conscientiously, and the Return lists prove sufficiently that I have taught with efficiency, for all my pupils without exception have passed their examinations in French and German, and in fact with two or three exceptions they all obtained honours.

The Draft Scheme proposes to allow to Assistant Masters, all of whom have to retire on the 1st of January, a retiring gratuity of one year's salary, to which they were entitled out of the Royal School Endowment, for every period of five years they have

been in office. This provision will be especially unfavourable to me, because on the 1st of February, 1860, I shall have completed nine years of my engagement, and shall therefore be entitled to not quite two years' salary, because one year will be wanting to complete the second period of five years.

Then I consider myself in equity entitled to receive compensation, not only for the salary which the Commissioners of Education pay me, but also for everything given to me by Dr. Steele, that is to say, for my whole income derived from the school. Though not all of it is paid by the Commissioners of Education, yet I receive it indirectly from the Endowment of Portora, and it is given to me for my services in the school; and through the disestablishment of the school I am losing not only the salary paid by the Commissioners, but my whole annual income, for loss of which compensation is undoubtedly due to me. I also think that I ought to get compensation, not for my present income, but for the income I had during the first years, for, though my salary was reduced, yet the amount of work in the school was not reduced.

Finally, I beg to say that those masters who have been in office for above five years are no doubt men,

who, like myself, have made teaching their profession; who have spent time and money in order to acquire a superior knowledge of the subjects they profess to teach, and who ought therefore not to be thrown out of employment without being given a fair compensation, which is certainly due to them when they have done their duties conscientiously and efficiently. Moreover, they will be past the prime of life, I at least am so, and I shall consequently find it very difficult to obtain another situation, as I can no longer successfully compete with young teachers, who always present themselves in great numbers for every vacant post, and are in most cases preferred by employers.

I now beg to state, that I would consider as an equitable compensation for myself one year's income for every three years I have been in office, which I some time ago had every reason to expect. As I shall have been in office for nine years on the 1st of January, 1860, and consider myself as entitled to obtain compensation for the income I had during the first years, my claim would amount to the sum of £450.

CURT HENKIN.

Enniskillen, June 7, 1858.

LVI.—*W. Brown, Esq., Assistant Master, Royal School, Cavan.*

As a person interested, I desire to offer a few objections to section 52 of the Draft Scheme for the reconstitution of the Commissioners of Education, and the future management of the Royal School Endowments. This section relates to the compensation to be given to (1) Head Masters and (2) Assistant Masters, and it is to the latter part that I wish to object. The scale of compensation as therein proposed seems to me most unfair. It is proposed to give, as compensation, one year's salary to an Assistant Master who has had three years' service, and to give exactly the same amount to one who has had nine years' service, and to give double that amount to a master who has had ten years' service.

Again, the compensation should not, I think, be calculated on the salary alone to which an Assistant Master is entitled out of the Royal School Endowment, but on his whole salary as Assistant Master. My salary as Assistant Master here has always been £25 per annum from the Royal School Endowment, and £40, with residence, from the Head Master. All this I consider equivalent to £120 per annum non-resident. My colleague's salary is non-resident, and is all paid from the Royal School Endowment, and if the compensation to him is to be calculated on this salary, surely the compensation to me should be calculated on the non-resident salary which would be equivalent to my resident salary. We are both equally removable by the same means, and have got the same title to

our positions. Of course, if I were not paid any salary at all from the Royal School Endowment, I would be in a completely different position, and would have no claim for compensation at all, as I would not then be a servant of the Commissioners of Education, but of the Head Master only.

I therefore beg to suggest that the latter part of section 52 read thus:—

"From and after the 1st day of January aforesaid, the services of the several Assistant Masters of the said Royal Schools, if then still in office, shall be discontinued; and upon such discontinuance each of the said Assistant Masters who was in office at the date of the passing of the Act, and was in receipt of salary from the Royal School Endowment, shall be entitled to receive from the Commissioners a retiring gratuity equal in amount to the full annual salary to which he, as Assistant Master, was entitled at the date of the passing of the Act, together with a further sum of one-fifth part of each amount for each year or fraction thereof, over and above the first period of five years that shall have elapsed between the date of his appointment to the office held by him at the passing of the Act, and the date of the discontinuance of his services under the foregoing provision. The Commissioners, &c."

(Signed), WM. BROWN.

Royal School, Cavan,  
June 23, 1858.

LVII.—*John McLoughlin, caretaker, Royal School, Enniskillen (Memorial).*

1. That Memorialist has been employed at Portora Royal School for thirty years as general caretaker and handy man, and especially to look after the waterworks and gasworks, and the back road leading to the lake.

2. That for several years the Commissioners of Education have paid the rent of his house and garden, a sum of £9 a year.

3. That Memorialist is now 68 years of age, and if he is turned out of his place there is no prospect of his being able to get such work and wages as he could undertake, and would maintain his wife and family.

4. Memorialist under these circumstances humbly prays your Honourable Commission to assign him such compensation as you may think just under the circumstances.

To the Right Honourable the Educational Endowments Commission.

LVIII.—*J. C. Fox and Ellen Fox, Teachers of Townsville Twentynine National School in the Royal School Estate (Memorial).*

1. That this school was erected about 40 years ago, and has received ever since an Endowment of £30 a year with house and small farm for the teachers.

In 1878, the school being vacant, the Commissioners applied to the National Board for two teachers (husband and wife) to whom the above Endowment would

be given. Your Memorialists, being then teachers of the Abbey School, Celbridge, under the patronage of Squire Langdale and Colonel Deane, were recommended by the National Board and duly appointed by the Commissioners to be the teachers of this school. The form of agreement is enclosed.

2. That your Memorialists soon found out that no school fees could be got from the pupils; their parents stated that as they paid four or five hundred pounds a year, in the form of rent to the Commissioners for educational purposes, it was but just that a fair portion of that money should be given for the free education of

the children in the locality where the money was produced. The school, therefore, is free and open for the children of every denomination on this estate.

Your Memorialists hope your Honourable Commission will throw around this Endowment and the vested interests of the teachers here, the protection and security of law.

(Signed),

J. C. FOX, } Teachers.  
EMILIA FOX, }

Townsville, Donegal,  
June 29, 1888.

LIX.—*The Rev. H. B. Carter, D.D., on behalf of his son, a pupil at Dungannon School.*

I beg you will lay before the Commissioners the following objection to the draft scheme for Dungannon Royal School.

My son, Gerald B. Carter, has been for four years attending Dungannon Royal School as a day boy, with a view to compete for one of the Exhibitions which were attached to said Royal School, and his education has been wholly directed to that competition. I respectfully submit that it would be an injustice

to debar him from competition for Exhibitions referred to, and that his vested interests are entitled to consideration, and in his behalf I claim that the Scheme shall not have the effect of excluding him from the competition for which he has been preparing.

(Signed),

H. B. CARTER, D.D.

Derryloran Rectory, Cookstown,  
May 17, 1888.

LX.—*The Rev. Thomas J. Jones M.A. on behalf of his son, a pupil at Dungannon School.*

I beg leave through you to lay the case of my son Henry A. Jones before the gentlemen of the Educational Endowments Commission. He has been at Dungannon Royal School for the past five years, and I had hoped that in the course of time he should have competed for one of the Exhibitions connected with that school. I need hardly say how much these Exhibitions have been prized by parents as enabling them to give, as in my case, a better education to their children than they otherwise could do. I should

much wish the Commissioners would grant to my son, and to all similarly circumstanced, this privilege of competing for an Exhibition in due time—a privilege which I understand has been extended to the Armagh School.

(Signed), THOMAS J. JONES, Clerk.

Tulliskinn Glebe, Coalisland,  
May 25, 1888.

LXI.—*John Hewitt, Esq., on behalf of his sons, pupils at Dungannon School.*

I beg to state that my three sons have attended the Royal School at Dungannon for a number of years; that they have been industrious at their studies; that two of them are hopefully looking forward to obtain Exhibitions in Trinity College, Dublin, in connection with the Royal School at Dungannon; and that they trust that in any changes that may take place in the

Dungannon School, their interest will receive your kind consideration, and will be fully preserved to them.

(Signed), JOHN HEWITT.

New Mills, Dungannon,  
July 8, 1888.

LXII.—*Vincent de Vassi, L. & C. R. Queen's County.*

On page 3 I am glad to see that the Commission have adopted the principle that "the Endowments should be limited to the district in which the estates are situated, and in which the schools have been hitherto maintained." I have no doubt that the Commission will adhere to this principle when dealing with the privately endowed schools.

On pages 6 and 25, I regret to see that "drawing" as a subject of instruction, is omitted from subjects specified to be taught in boys' schools. I think that too great stress cannot be laid on the importance of a knowledge of drawing in all its branches to the class which will be educated at these schools. I sincerely hope that the Commission will reconsider this portion of their Draft Scheme.

On page 4, I am glad to see the very practical suggestion of free education being given to two pupils to be selected by competition from the elementary schools.

I trust that as far as possible the new schools will provide education in common for boys and girls, and thus avoid the danger of frittering away the endowments on a too numerous, incompetent, and underpaid teaching staff.

On pages 15 and 16, I would urge that on the Boards of Education the Protestant bishops should sit by virtue of their office in the same way as it is proposed the Roman Catholic bishops will sit (see pages 18, 19). On page 13 and all other portions of the Draft Scheme, where the management of property is referred to, I would urge that more specific or peremptory directions should be given for the disposal by sale of agricultural property so as to secure a more certain if more limited income.

I am sincerely glad to see the recommendation for the reconstitution of the present very inefficient Commission of Education. I should be glad if some method could be devised by which the Commission of Education and the National Board of Education could be merged together or amalgamated.

I shall be much obliged if you will submit my remarks to the Educational Endowment Commission. I must apologize for troubling you with so lengthy a letter.

(Signed),

DE VASSI.

Abbeyleix, May 30, 1888.

## ROYAL SCHOOL ENDOWMENTS.

## No. LXIII.

*See Evidence, p. 382.*

STATEMENT on behalf of the LORDS COMMISSIONERS of HER MAJESTY'S TREASURY, in respect of the sum of £225 18s. 11d., the balance remaining due on foot of a loan made in 1818, for the repairs of Banagher School-house, under §5 George III., Chap. 107, Sec. 10.

In the year 1818, the Commissioners of Education petitioned the Lord Lieutenant under the 19th section of the 55 George III., chap. 107, for a loan of £225 18s. 9d., to be issued out of the Consolidated Fund for the repairs and improvements of the Banagher School-house, upon condition of its repayment by the master, out of the rents of the school estate, at the rate of £10 per cent. per annum, as provided by the said section.

The said petition is not forthcoming, but it is set out in the printed report of the Commissioners to His Excellency the Lord Lieutenant, dated 4th April, 1818, which was presented to Parliament on the 18th May, 1818, and appears amongst the Parliamentary papers of the session of 1818 (see copy of the material part of the Report, marked A in Appendix).

A recognisance dated 20th April, 1818 (as provided by the said 19th section for the expenditure of the said sum on the repairs of the school-house), was entered into by the Rev. Thomas Morris, Master of the school, Claudius Cole Hamilton, and Major John Knox, which recognisance was duly enrolled on the 13th July, 1818, and vacated on the 5th June, 1843, the condition having been complied with. The recognisance was handed to the surities on being vacated, but a copy of the Record marked B is given in the Appendix.

It appears from a statement in the Finance Account of the Treasury that the total advances made to the Commissioners under the said section were £10,293 5s. 7d. There was repaid up to August, 1875, a sum of £8,796 13s. 4d., leaving a balance of £1,506 14s. 3d. outstanding, and of this balance the sum of £275 18s. 11d. was due on foot of the advance to the Banagher school.

On the 26th August, 1875, Mr. W. H. Smith, the then Financial Secretary to the Treasury, wrote to the Chief Secretary for Ireland calling attention to the same due on foot of loans in Ireland, and requesting that His Excellency the Lord Lieutenant would authorize the necessary steps to be taken for the recovery and collection of same.

An application was accordingly made by the Government to the Commissioners of Education, for the balance due on foot of Banagher school loan, and on the 26th November, 1875, the Secretary to the Commissioners wrote to the Under Secretary for Ireland, agreeing to pay the said balance by yearly instalments of £80, the first instalment to be paid before the termination of the then present financial year, viz., the 31st March, 1876. See copy letter marked C in Appendix.

In pursuance of this letter, on the 31st March, 1876, a sum of £80 was paid, reducing the balance to the sum of £296 18s. 11d., which still remains due.

After this payment the Commissioners of Education wrote stating that if the yearly instalments were insisted upon by the Government no other course was open to them save to close the school altogether. A long correspondence ensued between the Government, the Treasury, and the Commissioners. At length, in 1883, a case was submitted to the Law Officers, who advised that the proper course was to take proceedings in Chancery for a receiver.

The Commissioners of Education having been written to by the Government, that proceedings would be instituted in Chancery for a Receiver, they submitted a case to Mr. (now Sergeant) Jellett, Q.C., who, amongst other matters advised that in his opinion the Crown would succeed in their application for a

receiver. See copy opinion dated 28th February, 1884, marked D in Appendix.

On the 10th April, 1884, the Commissioners of Education wrote to the Irish Government, enclosing a copy of this opinion, and stating that the Commissioners had no intention of contesting any proceedings which might be taken so far as they did not conflict with the views expressed by Mr. Jellett, but they desired to call attention to the financial condition of the Banagher estate, and that proceedings would result in closing the school. See copy letter marked E in Appendix.

The Treasury postponed taking any proceedings pending the Report of the Educational Endowments (Ireland) Commissioners, and the publication of the Scheme of the Commissioners for future management of the Royal School Endowments.

The Lords Commissioners of the Treasury have now called upon the Irish Government to take the necessary proceedings to raise the balance due.

It is submitted that if the Scheme of the Educational Endowments Commissioners could provide for the payment or security of this balance, proceedings in Chancery would thus be avoided.

Dated this 6th day of August, 1888.

PATRICK COLL,

Chief Crown Solicitor,

Chief Secretary's Office.

## APPENDIX referred to in the foregoing STATEMENT.

## A.

EXTRACT from the REPORT of the COMMISSIONERS of EDUCATION in IRELAND to HIS EXCELLENCY the LORD LIEUTENANT, dated the 4th April, 1818.

We beg leave further to report to your Excellency that Osha House, near Banagher, having been surrendered to Mr. Sewes Daly by Dr. George Renny, Director-General of Hospitals, and a demise thereof for the term of three lives renewable for ever (for the purpose of the School of Banagher) having been contracted for with Mr. Daly, the Rev. Mr. Morris now conducts the School in that house (of which he obtained possession on the 26th March, 1817), but that certain repairs and improvements appearing to us material and necessary, the expense whereof, amounting to £225 18s. 9d. (as per an estimate furnished from the master), cannot be defrayed out of the profits of the lands belonging to the School, through their insufficiency to supply that sum within a convenient time. We have therefore availed ourselves of the provisions of the 19th section of the 55th year of the reign of His present Majesty, chap. 107, and accordingly petitioned your Excellency to cause said sum of £225 18s. 9d. to be issued out of the Consolidated Fund for that purpose, upon condition of its repayment by the master out of the rents of the School estate, at the rate of 10 per cent. per annum, and the proper securities to that effect being previously entered into.

Here also we beg leave to observe that the survey and valuation of the School estate of Banagher, situate in the King's County, have been completed since our last report; and we submit to your Excellency our expectation that this measure of ascertaining surveys to be made of the School lands granted at remote periods by the Crown or by private persons, and which we have already adopted with regard to so many of the Royal School estates will prove of lasting advantage to this branch of public property placed under our protection, as at once affording a clue to the retrenchment and recovery of any portion that may have been alienated or encroached upon, whilst the known existence of such accurate delineation of boundary for frequent reference will (in a great measure) operate as a safeguard against the recurrence of wrongful acts of a similar nature.

B.

## PUBLIC RECORD OFFICE OF IRELAND.

CERTIFIED COPY of portion of a RECORD in the  
PUBLIC RECORD OFFICE OF IRELAND, entitled:

Index, Evohaguer Recognizances, 50th June, 1815,  
19th December, 1823, 30th July, 1818.

5th June,  
1843.  
Vouched  
permanently  
to the  
Order of this  
Court—see.  
R. GAZER  
G.D.W.S.,  
Secretary.

The Rev. Thomas Morris, Clerk, Master of  
the School at Banagher called Caba House,  
Clandias Caba Hamilton, of Kingsfort, in the  
County Monaghan, Esquire, and Major John  
Knox, of Dominick-street, in the City of  
Dublin, in £297 17s. 6d., dated 29th April,  
1818, conditioned that Thomas Morris make  
the repairs in the Schedule annexed to this  
Bond, on Caba House, within three months.

I certify that the foregoing is a true and authentic copy  
made pursuant to the Statute, 36 & 37 Vic., c. 70.

JOHN OVEREND-OVEREND,

Certifying Officer under 39 & 40 Vic., c. 58.

31st July, 1888.

C.

COPY LETTER of SECRETARY to the COMMISSIONERS  
of EDUCATION in IRELAND, dated 26th November,  
1875.

The Commissioners of Education in Ireland,

26th day of November, 1875.

5, Clarendon-street, Dublin.

Sirs,

In reply to your letter, No. 18,797, dated 25th inst., in  
reference to the repayment to Government by this Com-  
mission of outstanding balances due for loans advanced in  
the cases of Clarendon and Banagher Endowed Schools; I  
am to state for the information of His Grace, the Lord  
Lancaster, that acting in conformity with the opinion of  
the Lords Commissioners of Her Majesty's Treasury, and  
in which opinion His Grace has notified his concurrence,  
the Commissioners of Education have resolved to make  
repayments of the balances due—in the case of Clarendon  
School by yearly instalments of £100; and in the case of  
Banagher by yearly instalments of £50.

And that the first instalment in each case shall be paid  
before the termination of the present financial year, that  
is to say before the 31st of March, 1876.

I have the honour to be, Sir,

Your obedient servant,

WM. CORRIE KYLE, Sec.

T. H. BARKS, Esq., &c. &c.,  
Dublin Castle.

D.

COPY ORDERS of Mr. JELFET, Q.C., dated  
25th February, 1884.

1. In my opinion the Commissioners are for the reasons  
hereafter stated liable to the repayment of the sum of  
£295 18s. 6d.

2. The sum of £295 18s. 6d. is not in my opinion a charge  
prior to the master's salary. The funds at the disposal of  
the Commissioners must be applied in the order of  
precedence pointed out by the 19th section of 53 Geo. III., c.  
107, in payment of—

1. The salary of the Head Master.
2. The salary of the Under Master.
3. The repairs, including the sum advanced by the  
Treasury which represents repairs.
4. The Scholarships and Exhibitions.

The information as to the circumstances under which a  
lease of the School-house at Banagher was taken on lease at  
apparently a rack-rent is defective, and I cannot find in the  
case any circumstances to justify this proceeding. The  
patent of Charles L. is not before me, but judging from the  
Acts 53 Geo. III., c. 107, and 5 Geo. IV., c. 79, the intention

of the Legislature appears to have been that the Com-  
missioners should build upon their own land, borrowing, if  
necessary, from the Government the requisite sum repayable  
by periodical instalments, and not that they should take on  
lease at a rack-rent, land the property of another, and  
expend the money advanced by the Government in im-  
proving it. Fewing my opinion from the materials before  
me, the lease seems to have been unauthorized, and the rent  
payable under it a credit which cannot be insisted upon by  
the Commissioners in precedence to the instalments of the  
Government loan.

3. It follows, from the opinion expressed by me in answer  
to the last query, that there is no such deficiency as would  
authorize the application of the surplus rents of the other  
Royal Schools.

4. In my opinion the Crown would succeed in their  
application for a receiver.

H. P. JELFET,

25th February, 1884.

E.

COPY LETTER of COMMISSIONERS of EDUCATION,  
dated 10th April, 1884.

The Commissioners of Education in Ireland,  
10th day of April, 1884.

15, Lower Baggot-street, Dublin.

Sir,—I am directed by the Commissioners to transmit  
to you a copy of counsel's opinion as to their liability in  
respect of the sum of £295 18s. 6d., the balance remaining  
due on part of a loan made by the Treasury in 1818 for  
the repair of the Banagher School-house under the 50th  
Geo. III., c. 107, s. 15.

On 1st February, 1870, the Under Secretary forwarded  
to the Commissioners a letter from Sir R. E. Ligon, sug-  
gesting that this loan was a charge on the Banagher School  
Estate prior to any payment of rent for the School-house,  
and that it might (under the 2nd Geo. IV., c. 79, s. 4) be  
discharged out of the surplus funds of other school estates  
vested in the Commissioners; and in a letter from the  
Secretary to the Board of Public Works (acting on behalf  
of the Treasury) of the 22nd September, 1869, it was  
further suggested that the loan had priority as a charge  
over the master's salary, as he was appointed long subse-  
quently to its date. In both these letters the offer was  
made to accept payment in yearly instalments of £27 10s.,  
but in that of September last the Commissioners were  
required to provide that those payments should be made—  
a promise impossible for them to give.

It will be seen by Mr. Jelfet's opinion that it is adverse  
to two of the contentions made on behalf of the Treasury,  
viz., that the loan has priority over the master's salary, and  
that resort can be had to the rents of other estates for the  
purpose of its discharge. He is, however, of opinion that  
it is entitled to priority over the rent of £50 paid for the  
School-house.

The Commissioners have no intention to contest any pro-  
ceedings which may be taken by the Board of Public Works,  
so far as they do not conflict with the views expressed by  
Mr. Jelfet; but they desire to call attention to the financial  
position of the Banagher estate, and to the consequences  
which must follow if such proceedings be taken.

The net rent is only £150, and is subject to any reduction  
which may be made by the Land Commission.

The salary of the master is £100, and the maintenance  
and repairs of the School-house amount to about £25, while  
the rent is £50 a year; and at the close of the last year  
there was a deficit of £60, which is taking into consideration  
the loan from the Treasury.

If, therefore, the yearly payments asked for be insisted  
upon, no funds will exist for the payment of rent, and no  
other source will be open to the Commissioners save that  
of closing the School altogether, while the possibility of  
re-opening it appears more than questionable.

Whether a result will be counterbalanced by the repay-  
ment of this sum, advanced sixty-six years ago, is a matter  
which the Commissioners think worthy of His Excellency's  
consideration before a final decision is come to upon the  
subject.

I am, Sir, your obedient servant,

ANDREW A. GRAVES, Secretary.

## ROYAL SCHOOL ENDOWMENTS.

## No. LXIV.

See Evidence, p. 293, 394, and 405.

RETURNS prepared by the Rev. W. MOORE MORGAN, LL.D., and Venerable Archdeacon MEADE, on behalf of the Diocesan Councils of Armagh, Derry and Raphoe, and Clogher.

(a).—RETURN as to the Religious Denominations of the Counties in which the Royal Schools are situated.

## ROMAN CATHOLIC.

COUNTY.	1851.		1871.		1891.			
	Population.	Proportion per Cent. of the Total Inhabitants of the County.	Population.	Proportion per Cent. of the Total Inhabitants of the County.	Population.	Proportion per Cent. of the Total Inhabitants of the County.	Difference 75 years old and upwards.	Population after deducting 15th Dec.
Armagh. . . . .	81,303	48.9	85,237	47.4	76,326	46.4	55,904	20,422
Fermanagh. . . . .	48,776	88.8	41,279	88.6	41,380	88.8	15,080	26,300
Tyrone. . . . .	154,731	80.8	116,537	81.9	108,582	80.9	90,017	18,565
Total. . . . .	284,810	—	242,553	—	226,288	—	61,001	165,287
Cavan. . . . .	212,842	80.8	123,374	80.4	101,885	80.8	50,559	51,326
Donagall. . . . .	175,103	79.5	180,570	79.7	187,088	79.8	61,506	125,582
Total. . . . .	387,945	—	303,944	—	288,973	—	112,065	176,908
Total in 2 Counties. . . . .	672,755	—	546,497	—	515,261	—	173,066	342,195

## CHURCH OF IRELAND.

Armagh. . . . .	44,136	25.1	35,545	27.8	33,330	27.7	8,448	25,882
Fermanagh. . . . .	45,858	28.6	35,322	27.8	33,814	28.4	8,548	25,266
Tyrone. . . . .	59,848	29.6	46,261	29.9	44,348	29.4	5,914	38,434
Total. . . . .	149,842	—	117,128	—	111,492	—	22,910	89,582
Cavan. . . . .	22,517	14.5	21,823	12.5	18,820	14.7	5,681	13,139
Donagall. . . . .	23,548	18.0	27,128	18.4	24,748	18.8	2,374	22,374
Total. . . . .	46,065	—	48,951	—	43,568	—	8,055	35,513
Total in 2 Counties. . . . .	195,907	—	166,079	—	155,060	—	31,065	125,095

## PRESBYTERIAN.

Armagh. . . . .	30,749	16.9	28,166	17.5	26,377	18.0	1,794	24,583
Fermanagh. . . . .	1,809	1.5	1,518	1.9	1,566	2.0	111	1,455
Tyrone. . . . .	45,648	18.5	43,188	19.5	40,884	19.5	3,304	37,580
Total. . . . .	78,206	—	72,872	—	68,827	—	5,209	63,618
Cavan. . . . .	5,227	2.8	5,004	2.5	4,280	2.4	215	4,065
Donagall. . . . .	26,215	11.0	29,020	10.0	27,186	10.1	1,843	25,343
Total. . . . .	31,442	—	34,028	—	31,466	—	2,063	29,403
Total in 2 Counties. . . . .	109,648	—	106,899	—	100,293	—	7,272	93,021

RETURNS AS TO THE Religious Denominations of the Counties in which the Royal Schools are situated—continued.

## MORRISON.

COUNTY.	1861.		1871.		1881.			
	Population.	Proportion per Cent. of the Total Inhabitants of the County.	Population.	Proportion per Cent. of the Total Inhabitants of the County.	Population.	Proportion per Cent. of the Total Inhabitants of the County.	Literates (15 years old and upwards).	Population after deducting Literates.
Armagh, . . . . .	8,888	59	8,778	40	8,881	50	300	8,581
Fermanagh, . . . . .	8,600	59	8,104	45	8,881	57	887	8,994
Tyrone, . . . . .	8,777	1-6	8,112	17	8,887	1-8	120	8,767
Total, . . . . .	15,265	—	15,994	—	16,769	—	507	16,262
County, . . . . .	8,818	5	8,888	7	8,888	8	48	8,840
Down, . . . . .	8,818	1-6	8,888	5	8,888	1-8	120	8,768
Total, . . . . .	8,818	—	8,888	—	8,888	—	168	8,720
Total in 3 Counties, . . . . .	16,083	—	16,882	—	16,657	—	675	15,982

## ALL OTHER DENOMINATIONS.

Armagh, . . . . .	1,818	8	8,887	1-8	8,888	1-8	164	8,724
Fermanagh, . . . . .	18	1	888	8	88	1	1	88
Tyrone, . . . . .	1,818	8	8,888	8	1,888	8	88	1,800
Total, . . . . .	3,644	—	9,773	—	9,884	—	253	9,631
County, . . . . .	277	7	888	7	888	7	16	872
Down, . . . . .	277	7	1,818	8	888	8	88	800
Total, . . . . .	554	—	1,706	—	1,776	—	104	1,672
Total in 3 Counties, . . . . .	4,202	—	11,479	—	11,660	—	357	11,303

## SUMMARY OF PRECEDING.

PERCENTAGE of Total Literate Population in 1881.

COUNTY.	Roman Catholics.	Church of Ireland.	Presbyterians.	Methodists.	All Others.	Total.
Armagh, . . . . .	421	248	307	2-8	78	100
Fermanagh, . . . . .	878	288	888	888	88	180
Tyrone, . . . . .	888	888	888	888	88	180
County, . . . . .	888	888	88	1-8	88	180
Down, . . . . .	888	888	1-8	1-8	88	180
Total in 3 Counties, . . . . .	888	888	1-8	888	88	180

## RELIGIOUS CHURCHES OF CO. MORRISON IN 1861, 1871, AND 1881.

Denomination.	1861.	1871.	1881.		
	Population.	Population.	Population.	Literates (15 years old and upwards).	Population after deducting Literates.
R.C., . . . . .	88,888	88,888	88,888	88,888	88,888
I.C., . . . . .	15,888	15,888	15,888	15,888	15,888
Presbyterians, . . . . .	18,888	18,888	18,888	18,888	18,888
Methodists, . . . . .	888	888	888	88	800
All others, . . . . .	888	888	888	88	800

(b).—RETURN as to the numbers receiving instruction at Primary Schools in the same counties in 1881.

COUNTY.	NUMBERS.						PERCENTAGE.					
	Roman Catholics.	Church of Ireland.	Presbyterian.	Methodist.	All others.	Total.	Roman Catholics.	Church of Ireland.	Presbyterian.	Methodist.	All others.	Total.
Armagh, . . . . .	5,180	6,223	3,385	217	218	15,003	48.5	36.9	16.2	8.4	1.0	100
Fermanagh, . . . . .	5,265	4,170	187	424	16	10,062	62.9	41.6	1.9	4.3	—	100
Tyrone, . . . . .	5,748	5,518	4,864	246	200	20,376	48.8	46.7	16.0	2.7	—	100
Down, . . . . .	14,081	8,672	216	225	30	23,024	60.5	18.0	1.9	1.8	—	100
Donegal, . . . . .	18,457	5,898	5,274	612	12	30,253	70.9	18.6	4.0	1.9	—	100
Total in 5 Counties, . . . . .	30,714	31,545	13,995	1,607	414	85,740	60.7	30.5	16.5	8.3	—	100

(c).—RETURN as to the numbers receiving instruction at Superior Schools in the same counties in 1881.

COUNTY.	NUMBERS.						PERCENTAGE.					
	Roman Catholics.	Church of Ireland.	Presbyterian.	Methodist.	All others.	Total.	Roman Catholics.	Church of Ireland.	Presbyterian.	Methodist.	All others.	Total.
Armagh, . . . . .	528	596	117	66	6	708	69.1	46.2	16.8	6.5	—	100
Fermanagh, . . . . .	—	60	5	16	1	76	—	77.5	8.4	10.4	1.2	100
Tyrone, . . . . .	128	124	150	21	2	405	27.0	22.1	37.0	4.8	—	100
Down, . . . . .	321	49	20	4	—	374	60.7	36.8	0.3	1.5	—	100
Donegal, . . . . .	51	45	48	9	2	155	60.4	38.9	30.8	1.0	—	100
Total in 5 Counties, . . . . .	828	774	280	110	11	1,913	53.3	38.6	42.9	8.1	—	100
Monaghan, . . . . .	100	40	21	2	—	163	50.7	38.7	15.8	3.8	—	100

(d).—RETURN showing the number of Pupils obtained by Boys from the same counties at the Intermediate Examinations, 1886 and 1887.

## ARMAGH.

PROTESTANT.			ROMAN CATHOLIC.		
School.	Pupils in 1886.	Pupils in 1887.	School.	Pupils in 1886.	Pupils in 1887.
Lurgan College, . . . . .	26	26			
Henry Institute School, . . . . .	7	10			
Eastdown Academy, . . . . .	2	—			
Cathedral School, Armagh, . . . . .	2	1	St. Patrick's College, Armagh, . . . . .	5	5
Mr. Gibson's School, Armagh, . . . . .	—	2	St. Columba's College, Henry, . . . . .	5	5
Mr. Fustell's School, Armagh, . . . . .	—	1	Christian Schools, Armagh, . . . . .	5	4
College-street National School, Armagh, . . . . .	9	—			
Private Academies, . . . . .	2	6			
Total, . . . . .	38	37	Total, . . . . .	14	19

## FERMANAGH.

Porter R. pub-School, . . . . .	1	1	St. Margaret's Convent, Monaghan, . . . . .	12	5
Monaghan Collegiate School, . . . . .	—	0	Christian Schools, Monaghan, . . . . .	2	5
Total, . . . . .	1	1	Total, . . . . .	14	10

## RETURN as to the Intermediate Examinations (Boys)—continued.

## TYRONE.

PROTESTANT.			ROMAN CATHOLIC.		
School.	Passed in 1886.	Passed in 1887.	School.	Passed in 1886.	Passed in 1887.
Donaghmore Royal School, . . . . .	—	8	Christian Schools, Donaghmore, . . . . .	12	8
Coleraine Academy, . . . . .	8	9			
Strabane Academy, . . . . .	37	30			
Donagh Intermediate School, . . . . .	8	5			
Curleberg Intermediate School, . . . . .	4	1			
Salway School, Maghamore, . . . . .	5	1			
Donaghmore Intermediate School, . . . . .	—	1			
<b>Totals, . . . . .</b>	<b>52</b>	<b>56</b>	<b>Totals, . . . . .</b>	<b>12</b>	<b>8</b>

## CAVAN.

Cavan Royal School, . . . . .	—	—	St. Patrick's College, Cavan, . . . . .	—	2
Tullyfin School, . . . . .	—	1	Christian Schools, Cavan, . . . . .	2	2
<b>Totals, . . . . .</b>	<b>—</b>	<b>1</b>	<b>Totals, . . . . .</b>	<b>2</b>	<b>2</b>

## DOWRY.

Donagh Royal School, . . . . .	2	2	Dowry Academy, Lattinmore, . . . . .	2	—
Prior Ennawell School, . . . . .	2	10			
Stranorlar Intermediate School, . . . . .	1	1			
<b>Totals, . . . . .</b>	<b>5</b>	<b>13</b>	<b>Totals, . . . . .</b>	<b>2</b>	<b>—</b>

Aggregate of Passes, . . . . .	PROTESTANT.			ROMAN CATHOLIC.		
	1886.	1887.	Total of Two Years.	1886.	1887.	Total of Two Years.
	22	20	42	24	27	51

Total of these doubtful from addresses—5 in 1886, and 5 in 1887.

Thus of 136 passing in 1886, 83, or 60 per cent., were Protestants; and of 136 passing in 1887, 90, or 73 per cent., were Protestants.

Percentage of Protestants among all from the 5 Counties passing Intermediate Examinations in 1886, . . . . . 67½ per cent.

Do., in 1887, . . . . . 77½ "

Showing that the proportion of Protestants availing themselves of Intermediate Education is *growing* on the *increase of life*.

I certify that the foregoing figures have been carefully compiled and calculated from the Census returns for 1881, and from the published Results of the Intermediate Examinations (Boys) for 1886 and 1887.

W. MOORE MORRIS,  
W. E. MEADE, Archbishop of Armagh,

On behalf of the Diocesan Councils of Armagh,  
Down and Raphoe, and Clogher.

August 3, 1888.

## ROYAL SCHOOL ENDOWMENTS.

## No. LXV.

See Evidence, pp. 333, 423, 434.

TABLES handed in by Very Rev. DEAN BYRNE, P.P. Dungannon.

TABLE I.—Showing the Religious Census of the County Tyrone, and of that part of the County Derry which is included in the Diocese of Armagh, distinguishing Roman Catholics from Protestants of all Denominations, and distinguishing also between the parts of the Dioceses of Armagh, Derry, and Clogher, which make up the whole County of Tyrone.

## Co. TYRONE.

Diocese.	Roman Catholics.		All others.		Total.	
	Popula- tion.	Per- centage.	Popula- tion.	Per- centage.	Popula- tion.	Per- centage.
Armagh. . .	41,438	54.48	45,478	49.71	86,916	100
Derry. . .	41,204	39.9	87,189	49.91	128,393	100
Clogher. . .	18,454	39.9	13,211	42.7	31,665	100
Whole County.	109,106	54.4	145,878	49.7	254,984	100

## Part of Armagh Diocese in the County Derry.

Roman Catholics.		All others.		Total.	
Popula- tion.	Per- centage.	Popula- tion.	Per- centage.	Popula- tion.	Per- centage.
5,554	59.1	13,446	59.0	19,000	100

TABLE II.—Showing the numbers and proportions of the Roman Catholic Population of the County Tyrone, divided according to Dioceses.

Diocese.	Population. Roman Catholic.	Proportion per cent.
Armagh. . .	41,438	41.9
Derry. . .	41,204	39.9
Clogher. . .	18,454	19.2

TABLE III.—Roman Catholic Population of Tyrone, according to Dioceses and Parishes.

Diocese of Armagh.		Diocese of Derry.		Diocese of Clogher.	
Parish.	Roman Catholic Population.	Parish.	Roman Catholic Population.	Parish.	Roman Catholic Population.
Aghaloe. . . . .	1,301	Cloghagh. . . . .	699	Aghabrogh. . . . .	340
Armagh. . . . .	1,301	Dromagh. . . . .	4,847	Clogher. . . . .	5,471
Banahally. . . . .	1,301	Armagh, part of. . . . .	816	Dromagh, part of. . . . .	2,800
Castleduff. . . . .	8,073	Longfield, E. . . . .	1,219	Enniskerry. . . . .	809
Clonoe. . . . .	3,998	Do. W. . . . .	1,804	Dromagh, part of. . . . .	814
Donaghmore. . . . .	4,130	Termonmaghie. . . . .	1,745	Dromagh. . . . .	1,309
Donaghry. . . . .	1,440	Urry. . . . .	1,438	Enniskerry. . . . .	1,072
Donaghry. . . . .	1,440	Armagh, part of. . . . .	4,209	Magheramore. . . . .	28
Enniskerry. . . . .	1,180	Carrick. . . . .	1,074		
Fermanagh. . . . .	1,447	Larne. . . . .	302		
Glenties. . . . .	1,000	Donaghry. . . . .	1,071		
Armagh. . . . .	8,094	Leitrim. . . . .	1,213		
Armagh. . . . .	80	Urry, part of. . . . .	1,009		
Ballybeg. . . . .	308	Redmay, Lower. . . . .	4,208		
Ballysherry. . . . .	491	Do. Upper. . . . .	1,447		
Berrysmore. . . . .	9,010	Cloghagh, part of. . . . .	1,309		
Donaghry. . . . .	1,442				
Enniskerry. . . . .	1,180				
Glenties. . . . .	804				
Donaghry. . . . .	814				
Enniskerry. . . . .	1,072				
Glenties. . . . .	1,187				
Termonmaghie. . . . .	1,745				
Do. . . . .	890				
	11,818		61,814		10,018

## No. LXV.—continued.

TABLE IV.—Roman Catholic Population, according to Parishes, of that part of the Diocese of Armagh which is the County Derry.

Parish.	Roman Catholic Population.	Parish.	Roman Catholic Population.
Ardee, . . .	371	Lisnas, . . .	1,312
Artes, . . .	2,464	Magherafelt, . . .	1,318
Ballyderry, . . .	773	Tamlaght, . . .	304
Derryknox, . . .	222		
Doonbeg, . . .	335		7,384

Signed and vouched for by Rev. P. J. Dean Byrne, R.P., Dungannon.

## ROYAL SCHOOL ENDOWMENTS.

## No. LXVI.

See Evidence, pp. 440, 444.

RESOLUTIONS UNANIMOUSLY ADOPTED BY THE LOCAL COMMITTEE REPRESENTING THE VARIOUS PROTESTANT DENOMINATIONS OF COUNTY FERMANAGH, re PORTORA ROYAL SCHOOL, at a meeting held September 11, 1888.

First Resolution, proposed by Rev. S. C. Mitchell, and seconded by Henry Flew, Esq. :—

"In answer to the request of the Commissioners that the Protestant Committee here should state their views in regard to Portora School Buildings, they now beg to say that they propose to take them over, together with the thirty-three (Irish) acres of land attached, as they consider it would be most desirable to make any division of the house and lands."

Second Resolution, proposed by Henry Flew, Esq., and seconded by William Toole, Esq., J.P. :—

"The Committee take this opportunity of stating that,

after further consideration, they feel very strongly that the minimum allowance after the first three years provided by section 42 of the Draft Scheme would be entirely inadequate to enable the Local Committee to obtain the services of suitable masters, and they strongly urge a modification of the scheme in that particular. In their opinion this minimum allowance should be increased. And in the case of the Enniskillen Protestant School, should not be less than forty per cent. of the net income of the estate, without such conditions as are named in section 45."

S. CUTHBERT MITCHELL,

Honorary Secretary, Local Committee.

## ROYAL SCHOOL ENDOWMENTS.

## No. LXVII.

See Evidence, p. 326 and 411.

MEMORANDUM FROM THE FERMANAGH PROTESTANT COMMITTEE TO THE EDUCATIONAL ENDOWMENTS COMMISSIONERS.

A meeting of the Fermanagh Protestant Committee was held on Tuesday, 25th September, for the purpose of examining the returns ordered by the Commissioners relative to the respective ratings of Protestants and Roman Catholics in the Counties of Fermanagh and Monaghan.

From these returns we find that the numbers rated at or over—

£40 are 1,022 Protestants and 262 Roman Catholics.
£50 " 1,655 do. 479 do.
£100 " 3,023 do. 1,263 do.

We therefore beg the Commissioners' special attention to the fact that our contention is thereby conclusively proved—that the majority of persons requiring higher education in this district belong to the various Protestant denominations.

We consider that as a matter of simple justice a sufficient endowment together with the school pre-

mises should be vested in the proposed "Fermanagh Protestant Board of Education," for the object of assisting the various Protestant denominations of this locality in obtaining the benefits of higher education on reasonable terms, without any of the qualifying conditions to which we have already objected.

Should the Commissioners meet the views of this Committee the Local Board will devote its best efforts to the fulfilment of the trust, but it would be unreasonable to expect properly qualified persons to embark in a hazardous undertaking such as the draft scheme contemplates.

Signed on behalf of the Committee,

HENRY FLEW, Chairman.

S. CUTHBERT MITCHELL, Hon. Secretary.

Enniskillen, 25th September, 1888.

## ROYAL SCHOOL ENDOWMENTS.

## No. LXVIII.

See Evidence, p. 436.

PROPOSAL ON BEHALF OF THE PROTESTANT BOARD OF EDUCATION IN REFERENCE TO CAVAN ROYAL SCHOOL PREMISES.

These premises consist of the house, yard, garden, and premises standing on 16a. 1s. 13r. statute measure, or thereabouts, being part of the lands of Lurganboy, in the Union of Cavan and county of Cavan.

The Poor Law valuation now stands, viz. :—

	£	s.	d.
On house, . . .	20	0	0
On land, . . .	28	10	0
Total, . . .	78	10	0

A portion of these premises on which the avenue is, is subject to a rent of £5 a year, to the Rev. W. P. Moore, the present Head Master, who is the owner in fee of the adjoining lands. This avenue runs for about 180 yards from the entrance gate along a field owned by said Mr. Moore, and Mr. Moore has a right of way along said avenue to his field adjoining.

This field will probably be sold by Mr. Moore, and it may be built on, and may therefore become a very serious drawback to the value, and to the comfort, convenience and enjoyment of the school premises. It is for this portion of the avenue the said rent of £5 is paid.

The Protestant Board of Education of Cavan propose to take the school premises on the following basis:—

They propose to give twelve years purchase for lease premises, calculated on the said:—

	£	s.	d.	£	s.	d.
Poor Law Valuation of £50,	—	—	—	600	0	0
For land on Poor Law Valuation,	28	10	0			
Less yearly rent of portion of land on which avenue is, and payable to Rev. W. P. Moore,	5	0	0			
	23	10	0			
Twelve years purchase on same,				470	0	0
Total capital sum purchase money,				£1,070	0	0

The Board is unable to pay down this sum of £1,070 to the Commissioners, and suggest the following means of carrying out the sale.

1. The Board to get the premises at the price stated, undertaking to pay 3 per cent. on the £1,070, amounting to £32 2s. which would become a permanent yearly rentcharge. Three per cent. is suggested, for if the money were paid to the Commissioners it could not be invested by them at even 3 per cent.—the Government funds being 2½, and that terminable, and to be released to £2½ per cent.

2. The Board to be charged say 4 per cent., or such other rate as the Commissioners shall think fit on said £1,070, same to be in the nature of yearly or half-yearly instalments, paying off both principal and interest on said sum of £1,070 in a given number of years, or in such other way as to the Commissioners would seem right.

3. By way of an alternate proposal, the Board begs to suggest—

That taking the capital value at said sum of £1,070, let the premises be given to the Protestant Board free of charge, allowing to the Roman Catholic Board of Cavan in lieu thereof a sum equal to one-half of said sum of £1,070 towards their school premises.

I beg to submit the foregoing for the consideration of the Commissioners.

Dated this 31st day of September, 1888.

Signed on behalf of the Protestant Board of Cavan.

W. H. HURCHESON, Hon. Secretary,  
The Rectory, Bellisboro',  
Co. Cavan.

## ROYAL SCHOOL ENDOWMENTS.

### No. LXIX.

PROPOSAL of the Most Rev. Dr. DONNELLY, Bishop of CLOUGH, with regard to the PORTORA

ROYAL SCHOOL.

See Evidence, p. 443.

GENTLEMEN,—In obedience to a suggestion made by the Educational Endowments Commissioners at their public sitting early in last month, I have the honour to submit the following proposal for the division of the Portora School premises.

On behalf of the Catholics of this diocese I am prepared to take over the land, and leave the school buildings to the Protestant body.

Should the Protestant body desire to have any portion of the land—as for instance the garden or the lawn—I am willing that they should receive such portion either by purchase or at a rent based on the Government valuation.

This proposal I consider a reasonable one, seeing the relative proportion of the Catholic and of the Protestant population of the Diocese of Clough, whether account be taken of the whole or only of the literate population. The figures taken from the Census returns of 1881 will be found below.

I have the honour to be, Gentlemen,

Your obedient servant,

✠ JAMES DONNELLY,  
Bishop of Clough.

September 8th, 1888.

Catholic population of Co. Monaghan,	75,714
" " " Fermanagh,	47,823
Total,	123,537
Protestant population of Co. Monaghan,	27,033
" " " Fermanagh,	27,033
Total,	54,066

Catholic population of Co. Monaghan who can read and write,	38,998
Do. do. do. Fermanagh,	21,088
Total,	59,986
Protestant population of Co. Monaghan who can read and write,	18,600
Do. do. do. Fermanagh,	24,039
Total,	42,639

## RETURNS

Furnished by the HEAD MASTERS of the ROYAL SCHOOLS, showing—

- I. The number of Pupils in each School and the amount paid by them.
- II. The amount and particulars of the outlay upon each School or the Staff thereof.
- III. The net sum claimed to be received by way of profit by each Head Master.
- IV. The particulars of the Emoluments in respect of which a vested interest is claimed by each Head Master.
- V. General Observations of each Head Master.

See Evidence, p. 451, et seq.

ROYAL SCHOOL, ARMAGH—Rev. WM. MOORE MORGAN, LL.D., Head Master.

## No. LXX.

The Numbers I., &amp;c., refer to the Headings mentioned above.

I.		II.		III.					Annual Value of House and Land, free of Repairs.	Average total Profit.
Year.	Number of paying Pupils.	Fees paid by them.	Necessary Outlay on Pupils.	Profit from Fees.	Average Profit from Fees.	Average Intermediate Board Fees.	Annual Salary.			
		£	£	£	£	£	£	£	£	£
1818, . . .	210	5,594	2,730	2,864	1,615*	115	400	379	2,103	
1819, . . .	218	4,840	2,215	2,625						
1820, . . .	216	4,543	2,207	2,336						
1821, . . .	251	5,618	2,205	3,413						
1822, . . .	210	5,350	2,209	3,141						
1823, . . .	208	4,283	2,204	2,079	—	—	—	—	—	—
1824, . . .	209	4,005	2,044	1,961						
1825, . . .	24	4,284	2,500	1,784						
1826, . . .	76	2,074	2,313	201						
1827, . . .	24	2,212	1,860	352						
1828, . . .	15	1,500	1,300	200						

## IV. Head Master's Vested Interest in Emoluments,

- viz. —
- (a) Salary from Commissioners, . . . . . £ 400
  - (b) Allowance for Under Masters, . . . . . 185\*
  - (c) Fees from Pupils, average of seven years, No 1825, . . . . . 1,374\*
  - (d) Residence, School Buildings, &c. less, . . . . . 315
  - (e) Rent, Rates, Insurance, Repairs, &c., average of five years, . . . . . 248
  - (f) Intermediate Board Fees, . . . . . 115
  - (g) Rights in respect of Royal Scholarships and grant of Indulgence from Primate Robinson by 1773, . . . . . —

\* These items make up the £1,421 under (3).

V. The number of Pupils returned in the average attending in the several terms of each year.

The Return has been given, from 1825, for two reasons—(a) because a seven years' return appears to be a fairer average; (b) because the year 1825 has been fixed as the date for the Act coming into operation.

ROYAL SCHOOL, DUNGANNON—Rev. F. H. RINGWOOD, LL.D., Head Master.

## No. LXXI.

See Evidence, p. 466.

The Numbers I., &amp;c., refer to the Headings mentioned above.

I.		II.		III.					Annual value of House and Land, free of Repairs.	Average total of Profits.
Year.	Number of (a) 1825 Pupils.	Fees paid by them.	Outlay on Pupils.	Profit from Fees.	Average Profits.	Average Intermediate Board Fees.	Annual Salary.			
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1825, . . .	48	1,320 0 0	890 0 0	430 0 0	307 2 1	44 0 0	600 0 0	147 10 0	908 15 1	
1826, . . .	37	1,237 15 0	846 10 0	391 5 0						
1827, . . .	37	818 7 8	748 14 8	70 3 0						
1828, . . .	37	718 0 0	673 10 0	44 10 0						
1829, . . .	54	712 0 0	608 0 0	104 0 0						
1830, . . .	40	628 0 0	523 0 0	105 0 0	—	—	—	—	—	—
1831, . . .	43	710 0 0	518 0 0	192 0 0						
1832, . . .	31	518 0 0	420 0 0	98 0 0						
1833, . . .	31	121 0 0	160 0 0	—						
1834, . . .	17	332 15 0	160 0 0	—						
1835, . . .	33	161 0 0	160 0 0	1 0 0						

## IV. Head Master's Vested Interest in Emoluments,

- viz. —
- (a) Salary from Commissioners, . . . . . £ 400 0 0
  - (b) Allowance for Assistant Masters, . . . . . 100 0 0
  - (c) Fees from Pupils, . . . . . 225 0 0
  - (d) Residence, School Buildings, and Land, . . . . . 287 10 0
  - (e) Repairs, &c., . . . . . 40 0 0
  - (f) Intermediate Board Fees, . . . . . 44 0 0
  - (g) Rights in respect of Royal Scholarships, . . . . . —

\* This item is taken credit for in Column 6.

V. The number of Pupils returned in the average of those attending in the several terms of each year.

The return has been given from the year 1825, for two reasons—(a) because a seven years' return appears to be a fairer average, and (b) because the year 1825 has been fixed as the date for the Act coming into operation.

ROYAL SCHOOL, ENNISKILLEN—Rev. Wm. STERLE, D.D., Head Master.

## No. LXXII.

See Evidence, p. 455, of app.

The Numbers refer to the Headings mentioned above.

YEAR.	I.		II.		III.				
	Number of paying Pupils.	Fees paid by them.	Necessary Outlay on Pupils.	Net Profit from them.	Average Profits from Fees.	Average Intermediate Results Fees.	Average Salary.	Average Value of House and Land, free of Rates and Repairs.	Average total Profit.
	£	£	£	£	£	£	£	£	£
1875-1876, . . .	33	3,336	2,164	1,172	400	25	108	250	1,315
1876-1877, . . .	33	3,294	2,164	1,130					
1877-1878, . . .	32	3,303	1,856	1,447					
1878-1879, . . .	34	2,543	1,765	778					
1879-1880, . . .	35	1,478	585	893					
1880-1881, . . .	36	1,655	585	1,070	—	—	—	—	—
1881-1882, . . .	36	1,667	587	1,080					
1882-1883, . . .	35	1,522	585	937					
1883-1884, . . .	35	1,522	585	937					
1884-1885, . . .	35	1,522	585	937					

## IV. Head Master's Vested Interests in Emoluments,

viz. :—

- (a) Salary from Commissioners, . . . . . £ 500  
 (b) Allowance for Assistant Masters, . . . . . 250<sup>a</sup>  
 (c) Profits from Pupils, . . . . . 810  
 (d) Residence, School Buildings, and Land, at Enniskillen, . . . . . 400  
 (e) Rates, Taxes, Insurance, Repairs, average, . . . . . 110  
 (f) Intermediate Results Fees, . . . . . 60  
 (g) Rights in respect of Royal Scholarships, . . . . . —

## V. The number of Pupils returned is the average of those

attending in the several terms of each year.

The return has been given from the year 1875, for two reasons—(a) because a seven years' return appears to be a fairer average; and (b) because the year 1875 has been fixed as the date for the Act coming into operation; (c) otherwise respectively especially claims that his right to receive the expenditure made by him on the school is stated in his children, amounting to £4,481 10s. 6d., should be recognized and paid.

<sup>a</sup> This item is taken credit for in Column No. 4.

ROYAL SCHOOL, CAVAN—Rev. Wm. PATER MOORE, M.A., Head Master.

## No. LXXIII.

See Evidence, p. 461.

The Numbers refer to the Headings mentioned above.

YEAR.	I.		II.		III.				
	Number of paying Pupils.	Fees paid by them.	Necessary Outlay on Pupils.	Profit from Fees.	Average Profits from Fees.	Average Salary.	Average Intermediate Results Fees.	Average Value of House and Land, free of Rates and Repairs.	Average total Emoluments.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1875, . . . . .	30	39 0 0	405 4 0	356 4 0	298 7 0	101 0 0	12 0 0	250 0 0	453 7 0
1876, . . . . .	27	414 12 0	422 12 0	392 12 0					
1877, . . . . .	34	736 12 0	663 12 0	773 12 0					
1878, . . . . .	25	606 8 4	489 12 0	117 12 0					
1879, . . . . .	30	612 12 0	508 12 0	104 12 0					
1880, . . . . .	22	478 12 0	344 0 0	134 12 0	—	—	—	—	—
1881, . . . . .	23	552 12 0	140 0 0	412 12 0					
1882, . . . . .	25	540 0 0	378 12 0	161 12 0					
1883, . . . . .	18	360 0 0	238 12 0	121 12 0					
1884, . . . . .	20	394 0 0	194 12 0	199 12 0					
1885, . . . . .	31	507 0 0	130 0 0	377 0 0					

## IV. Head Master's vested Interests in Emoluments,

viz. :—

- (a) Salary from Commissioners, . . . . . £ 500  
 (b) Allowance for Assistant Masters, . . . . . 250 0 0<sup>a</sup>  
 (c) Profits from Pupils, average of seven years, . . . . . 810 7 8  
 (d) Residence, School Buildings, and Land, at Enniskillen, . . . . . 400 0 0  
 (e) Rates, Taxes, Insurance, Repairs, average, . . . . . 110 0 0  
 (f) Intermediate Results Fees, . . . . . 60 0 0  
 (g) Rights in respect of Royal Scholarships, . . . . . —

## V. The number of Pupils returned is the average attending in the several terms of each year.

The return has been given from 1875, for two reasons—(a) because a seven years' return appears to be a fairer average; (b) because the year 1875 has been fixed as the date for the Act coming into operation.

<sup>a</sup> This item is taken credit for in Column No. 4.

## ROYAL SCHOOL, RAPHOE—Rev. J. A. WHELAN, LL.D., Head Master.

## No. LXXIV.

See Evidence, p. 467.

The numbers I, &amp;c., refer to the Headings given above.

Year.	Number of paying Pupils.	I.		II.		III.			
		Number of Boarders.	Fees paid by Pupils.	Other on the School.	Average Profit.	Average Intermediate Board Fees.	Annual Salary.	Annual Value of House and Lands.	
			£ s d		£	£	£	£	
1878,*	27	10	882 0 0	The expenditure, which covers the board of Pupils and Masters, is estimated at £30 a head.	278	26	163		76, and £280 per annum for use of other of Librarian, Raphoe House.
1879,	28	10	840 0 0						
1880,	31	10	840 0 0						
1881,	32	10	832 0 0						
1882,	27	10	812 0 0	During the year 1880 to 1881, inclusive, Mr. Whelehan spent £80 per annum in increasing the salaries of the Assistant Masters.	278	26	163		
1883,	31	8	400 0 0						
1884,	30	8	508 0 0	From 1881 to 1884 this was reduced to £30 per annum, and in 1885, it was further reduced to £25 per annum.	278	26	163		
1885,	28	4	320 0 0						
1886,	28	8	320 0 0						
1887,	31	5	68 10 0						
1888,†	7	—	38 0 0						

V. *Observations*—I send, accompanying this paper, an account of my net profits arising from the working of the school for the seven years ending 1888.

This period was suggested as a fair one on which to base the claim of vested interest by the petitioner who has consented to the case. Had I been at liberty to go back and select five consecutive years of the best paying period of the school, and base the average on them, the claim would have been much larger.

Since the passing of the Act of 1865 the school has been regarded as in a transition state, and reorganisation in such circumstances was an impossibility.

It is to be hoped that an average based on period including these years will not seem a reasonable one to allow for vested interests. See, too, of the present scheme from the date of the passing of the Act of 1865, August, as a terminus.

\* Second half-year.

Officer thinks it right to allude to the fact that the Diocesan Library, in respect of his office wherein he claims to be entitled to claim as an endowment, appear to have been held in the school premises since the year 1781. And there is no record of any other than a person occupying the position of Head Master being Librarian thereof.

The land attached to the school premises is held as part of my endowment, and is well worth £10 a year, as a shop letting and also the rent of £25, payable to the purchaser from the Church Commissioners who were the donors.

J. A. WHELAN, Clerk.

July 17, 1888

First half-year.

## ROYAL SCHOOL, BANAGHER—P. KING JOYCE, Esq., B.A., Head Master.

## No. LXXV.

See Evidence, p. 472.

Q. I. Number of pupils paying fees, and amount of fees paid by them for each year of the five ending Midsummer, 1886?

To end of June.	Average Number of Pupils.	Amount of Fees.
		£ s d
1884,	102	85 8 8
1885,	104	88 0 6
1886,	107	88 1 0
1887,	105	86 8 10
1888,	125	64 15 0

The small number of boys and consequent low amount of fees for the year ending June, 1887, was caused by a report which spread immediately after the local inquiry of the Commissioners in 1886, that the school would be very soon closed, and parents were, under the circumstances, reluctant to send their children. Although there is an improvement apparent this year, still I am raised when the school is to close.

The amount of fees for the last five years was not nearly as large as in former years; and although I have a record of all which I have put down, still as it was not kept for any particular purpose, I believe it is under the mark as I may not have entered some amounts.

Q. II. Amount and particulars of outlay made by you upon school staff or otherwise?

For last five years there was no outlay.

Q. III. Amount and particulars of all endowments in respect of which you claim a vested interest?

I claim a vested interest in all the money arising out of the Banagher Royal School Endowment, less cost of collection, &c. (This is in accordance with the terms of my letter patent.) I claim besides the whole amount of fees from pupils, &c.

According to the Report for this year the total amount of the endowment for last year was £187 17s. 6d. Now, my claim would be:—

	£ s d
Cash paid to me as Salary,	100 0 0
Cash paid for my benefit in House Rent, Taxes, Insurance, &c.	82 0 0
Average amount of Fees for last five years,	86 8 10
	268 8 0

Q. IV. The net sum which you claim to have received by way of profit out of the school?

As there is no outlay to deduct, the above sum is net, viz., £236 8s.

Q. V. Any other information which you may desire to submit to the Commissioners in support of your claim?

Former masters received the whole endowment and provided a house themselves. It was only to oblige a master (I think the Rev. Allan Bell) who required a larger house, that the endowment was distributed as now. On my appointment the house was running, and so I was bound by the arrangement; but on the secretary informing me, I think in '70 or '71, that there was an intention to give up the house, I then said I should claim the whole endowment in money, but the lease was renewed without informing me.

## No. LXXVI.

See Evidence, p. 489, et seq.

## RETURNS

Furnished by the ASSISTANT MASTERS and other officers of the ROYAL SCHOOLS with regard to their vested interests.

*Royal School, Armagh.*

## THOMAS GORDON

Received from 1873, to Midsummer 1887, a salary of £120, £150 paid by the Commissioners of Education, and £100 by the head master.

*Dungannon Royal School.*

## W. H. GUNNING.

*Dungannon Royal School—(continued).*

Commissioners will award me an equitable and substantial compensation.

I am, sir, your obedient servant,

W. H. GUNNING.

Wm. Edward Ellis, Esq., Secretary,  
Educational Endowments (Ireland)

Commission,  
25, Nassau-street, Dublin.

## T. C. GAMBIE

Receives salary of £120, half from Commissioners of Education, half from head master.

Head master's portion reduced, lately; against this, Mr. Gambie is allowed more free days, during which he attends other schools.

Receives an average of £85 per annum from private teaching.

Receives average of £10 results fees.

Total claim for compensation, £215 per annum.

Suggests that one year's salary for every three years' service should be given to him.

## M. BECKETT.

From 1885 to 1886, received £30 per annum—£60 from the Commissioners, £30 from the head master—together with board and residence in the school, estimated at £85 per annum.

From 1886 to present time, receives £120 per annum, £60 from Commissioners, £60 from head master. Is non-resident.

## M. WHELAN (drill master).

Received, from 1883 to 1885, £40 per annum.

Received from 1885 to 1888, £30 per annum.

For last seven years for satisfactory performance of his duties, incurred expense of £5 per annum, by way of rooms of rent, more than was necessary to secure a house for his private accommodation.

Claims that period of five years for estimating value of his vested interest should date from 1885.

*Royal School, Farnhill.*

## W. J. VALENTINE.

Claims salary, £300 per annum.

Value of rates, rent, &c., £50 per annum.

Has made no outlay on the school, and has received nothing by way of profit.

## GUST HENNING.

	1885-1884.	1885-1886.
Has received:—	£	£
(a.) Annual Salary from Commissioners.	120	40
(b.) Annual Salary from Head Master.	5	14
(c.) Annual value of Board & Residence.	22	40
	147	114

Has made no outlay on school.

Has received net sums annually by way of profit:—£150, 1880-1884, and £125, 1885-1888.

## Observations.

I have given the above information for the five years ending midsummer, 1888, as requested, but I would respectfully submit that, in accordance with the provision of section 11, the amount of my income arising from the endowment at the date of the passing of the Act, or for the five years previous to that date (in each of which the amount and particulars of my endowments were the same as in the years 1883-5 in table) should be taken as the basis of compensation.

I should add that, not having any record, and not at present being able to procure one, of the exact sums paid me as results fees, and as the amount varied largely in different years—from £30 to £8—I have estimated £15 as the average of what I received each year since the establishment of the Intermediate Board in 1879. In addition to this I added considerably to my income by giving private tuition to pupils of the school who required instruction in special centres. This, though an indirect endowment of my appointment, I have not considered should be included in above table.

Finally, in general support of my claim I would most respectfully urge the following facts upon the patient consideration of the Commissioners.

I am a Graduate M.A., ex-Royal Scholar, ex-Classical Bizar, First Honours, Firstman, &c., of Trinity College, Dublin. Before leaving the University I was compelled to renounce all work owing to a breakdown of my health combined with an injury to one of my eyes. I subsequently adopted the profession of teaching, and for sixteen years have held the appointment of First Assistant Master in the Royal School, Dungannon, during which time I believe I may say that I have been closely identified with the acknowledged sound teaching and educational success of that institution, a success testified to as well by the various witnesses as the sitting in Dungannon as by the Endowments Commissioners in their Second Report (p. xix.)

Considering these things I venture to hope that, in framing a scheme which will deprive me of an appointment that I have held for so long a time, the

Submits observations in the following terms:—

IV. In support of my claim I beg to submit the following:—

1. To accept the post at Portora, I gave up a good post in England; I accepted this appointment, because I considered it would be permanent.

2. I submit my compensation should be measured not on the stated annual income of £125, but on the £150, which was the amount I first had, and was the inducement to me to relinquish my appointment in England, and I would not have consented to the reduction made in 1835, save from my unwillingness to make a change or incur the risk of duty in getting another appointment, and the reduction was made by the Commissioners not for any fault of mine, but by reason of the falling off in the number of the pupils, and Dr. Steele was so satisfied of the hardship inflicted upon me thereby, that he supplemented my allowance by £15 a year out of his own pocket in addition to my board at the school, which I valued at £50.

3. I have made teaching my profession; I have spent time and money to acquire a superior knowledge of the subjects I profess to teach, and I ought therefore not to be thrown out of employment without being given a fair compensation, which is certainly

due to me, since I have done my duties conscientiously and efficiently. I am past the prime of life, and shall consequently find it very difficult to obtain another situation, as I can no longer successfully compete with young teachers, who always present themselves in great numbers for every vacant post, and are in most cases preferred by employers.

4. Finally I beg to submit as an equitable compensation, I should be allowed one year's income for every three years I have been in office, which for nine years to the 1st of January, 1835, would amount to £450.

I have the honour to be,  
My Lords and Gentlemen,  
Your most obedient servant,  
CURT HUNTER.

Canon Royal School.

W. BROWNE

Receives £55 per annum from the Commissioners, and £40 per annum, with board and residence, from the head master.

Has had no outlay. Claims £25 for salary and £55 for board and residence. Total £120.

## No. LXXVII.

See Evidence, p. 457, et seq.

## STATEMENTS

By certain of the MASTERS of the ROYAL SCHOOLS as to the nature and amount of compensation they are prepared to receive in respect of their vested interests.

Rev. J. A. WEIR

Claims annuity for his life on gross amount of his annual income, estimated at £454, in preference to continuing his duties or accepting a capital sum.

Reserves the rights for capitalisation contemplated by section 52 of the Draft Scheme.

W. H. GUNNING, assistant master, Dungannon, Will accept a bulk sum calculated on an estimated annual income of £190 to £300.

T. C. GAMBIE, assistant master, Dungannon,

Claims an annuity of £120, or a bulk sum of £1,300.

W. T. VALENTINE, assistant master, Dungannon,

Claims a life annuity of £100, or a bulk sum of £1,435 8s. 6d.

## No. LXXVIII.

## RETURN

As to PRIVATE ENDOWMENTS given for the building of any of the ROYAL SCHOOLS and of any repayments of the same.

In the case of Banagher (where the schoolhouse is only held from year to year), Carrig, and Caryfort, I have not found any record of endowments of the kind mentioned.

Dungannon.—Dr. Ringwood states (Commission of Inquiry, 1857, Evidence, Vol. I, question 11788) that the Primate gave him £400 to complete alterations in the school buildings. Of this sum the gift of £200 is noticed in the minutes of the Board for December, 1855, but I have not traced any account of the remainder. No repayment was ever made, nor I believe expected. Dr. Ringwood informs me that in one of the corridors there is an inscription to commemorate the gift—"Built by the Lord Primate, 1850."

Armagh.—In the report of 1858 it is stated that the Archbishop of Armagh gave £5,996 for building purposes at this school. I cannot verify in full this statement from the records of the Board. The particulars which I have collected are as follows:—In November, 1848, the Primate suggested to the Board

to expend a sum of £1,200 on Armagh buildings, and, as there was a difficulty about money, he undertook to advance same on the understanding that at some future date it would be repaid. In April, 1849, the Primate again urged the Board to lay out another sum of £1,500, but the Board expressed their inability to do so. The Primate then said he would advance the money "in the hope that if in future the Commissioners were in a position to do so they would repay him." It was on this order that the new works proceeded with under his Grace's supervision. Probably this £1,300 was exceeded. No part of it was repaid to the Archbishop, nor do I think it was ever asked for.

In May, 1849, I find that the Primate states that, on the works intended to be paid for out of the first sum (of £1,200) he had paid £1,360 9s. 6d., but that he only claimed back £1,200. He was repaid 31st May in that year £600. The balance, £600, was not repaid until after his death. The payment was made on 30th January, 1854, to his executor.

I understand from the minutes that the conduct of

the works intended to be covered by the sum of £1,300, as well as the payment for them, was undertaken by the Priests, and the matter was not carried out through the Board.

I have not found any other endowment given to this school.

*Reply.*—Dr. Steele on his appointment to this school offered to lay out £600 on the buildings if the Commissioners would advance the money, same to be repaid to them out of his salary, and that salary to be entirely retained by them until the £600 was cleared off. The offer was accepted: but £175 alone had been repaid when Dr. Steele was appointed to Portora. Upon this the balance of the £425 was cancelled by the Board 17th December, 1837.

Whether this expenditure or Dr. Steele's large expenditure at Portora is to be considered in the nature of an endowment I cannot say. I may add that there is on the minutes of the Board a statement of Dr. Steele's, that he laid out sums on permanent improvements to the extent of £1,300 (inclusive of above £600).

*Enquiry.*—Dr. Steele's Expenditure. In Feb-

ruary, 1850, Dr. Steele presented a memorial showing expenditure by him of £3,963 3s. 3d., and praying for repayment. The minutes on this matter are numerous and long: but the result was that the Architect of the Board certified that £1,666 8s. 11d. was the value of the permanent improvements effected, and the Board repaid Dr. Steele that amount, but declined to pay the balance £2,296 13s. 3d. In May, 1858, another memorial of Dr. Steele's praying repayment of £4,001 19s. 4d. (composed of £2,296 13s. 8d. balance of first sum claimed and sums expended since 1850) was considered and refused. This and other memorials were before the Board on many subsequent occasions, and finally in 1881, August 18th, a payment was made to him of £1,425 7s. 8d., "Dr. Steele undertaking to receive such payment as a final satisfaction of every claim he may have against the Board in respect of any expenditure connected with the buildings at Portora."

I know of no other private endowment to this school.

ROBERT McDOWELL.

63, Upper Mount-street,  
14th June, 1887.

## ALPHABETICAL LIST

OF

## WITNESSES AND OTHERS WHO HAVE GIVEN EVIDENCE OR MADE STATEMENTS.

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Christian Brothers' Schools, . . .	235-40				
Deesonian School, . . .	234-36		<b>WICKLOW Co.</b>		
Mason Charity Blue School, . . .	241-43		<b>Carysfort:</b>		
Protestant Orphan School, . . .	245-46		Royal School (See Royal School Endow- ments).		